

A  
LIBERTY.  
In Vindication of the  
COMMONWEALTH  
OF  
ENGLAND:

Wherein is demonstrated from Scripture and Reason;  
Together with the consent of the learned Politicians,  
Statesmen, Lawyers, Writers, Historians,  
Philosophers, and the example  
of the ancient Republicks, &c.  
That the Liberty of all English  
Subjects is the best.

Against SARCLOCUS, and others.

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By a Friend to Freedom.

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A P P E A

F O R

L I B E R T Y

In Vindication of the

COMMONWEALTH

OF

E N G L A N D :

By a Friend of Freedom.

Printed in the Year 1790.

By J. Johnson, at the Angel in Pall-mall.

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## To the R E A D E R.

**T**Hough my broken speech can adde nothing to the worth of this Treatise; yet I judge it my duty to utter some few words concerning it. I know, Truth in all ages hath had many enemies, some men asking what it is, and some contraiucting and opposing. And surely that truth which crosseth most the vanity, glory, and pride of this world, is most opposed by the men of this world, in whom the Prince of the power of the air worketh. Yea, and any truth which in former ages hath not appeared unto the sons of light, but hath been under a cloud, (the Sun of Righteousness, in whose light saints see light, being pleased not to make the cloud flee away) is seen, and scarce clearly seen, but by few, who are of the day, and not of the night. Hence is it that many who are light even oppose such a truth. No wonder then though the truth spoken of here be so much opposed, seeing it not only crosseth the vanity of a vain-glorious age, but also hath been so long over-clouded. Howsoever it is very necessary to be known. Doubtest thou whether it be lawful for thee to submit to the present Government, the Power of the King being in thy apprehension absolute without the bounds of Law; or the Kingly Government being the choicest and best, (and so not be altered) far better then a Commonwealth; or it being unlawful to resist the King and decline his Authority? Thou shalt find these things fully and largely cleared from arguments of all sorts. To the Law, and to the Testimony of the Spirit is of Truth, that compleat rule, they are brought. In the ballance of Reason they are weighed. But if that shall not suffice thee who eyeest much the examples of Politick Governments, and sayings of men. These arguments also are to be found here. Thou shalt find that even certain of your Poets, Kings, Law-makers, Historians, Orators, Philosophers have said so, as saith this Treatise. And that this Government is neither new-found out, nor usurped, nor bad and dangerous; but by example of the first and best, the oldest, sweetest, and most to be desired, and by lawful practises of old, far from usurpation. But if thou imaginest that thou art engaged by the League and Covenant to stand for Monarchy; and so canst not take a contrary Engagement. That case also is answered and cleared here. I counsel thee who doubttest, to search whether the things which are laid down in the Treatise as truths be so or not. That is Nobility indeed. O! if the sons of men could learn to be Berean-like, more noble then those of Thessalonica. Shut not thine eyes, stop not thine ears at the seeing and hearing of things of such use and concernment.

But possibly (courteous Reader) thou art fully perswaded in thy mind of the truths spoken-of in this Book; and therefore apprehendest it to be useless, or born out of due time. Well, but art thou so full of knowledge, and so clear in the thing, that thou canst not receive any more. Be not deceived. It may be, thou shalt receive greater information therein, if it please thee diligently to weigh and consider. Dost thou engage thy life, estate, name, or pains in way or other in defence of that truth which here by arguments is defended, thou shalt do well

## To the READER.

to inform thy self well, and to strengthen thy self with good and sound grounds, that with the better and cleaner conscience, or greater courage thou mayest go on thy way? Moreover, if the Book had come forth when first it was written, thou couldst not but have said, it had been born in the due time. But hitherto it hath been hindered. Yet I suppose it is born in a due time, if we look upon the greatest part of men. And if the spirits of men, chiefly of such as know not this truth, were so framed as in moderation, impartiality, and simplicity to read the Treatise, they should rejoyce at the birth thereof, and say it is very seasonable: Yea, and find more perhaps in it then in others of that same nature. They would see the adversaries of these truths discomfited and overthrown by their own weapons in which they so much glory; even by Reason, the testimonies of men, and that of all stations and conditions; and example of the most refined Policies and Governments. And what obscurity or obscurity is in the Book; it is because of such boasters; whose mouths the Author judged expedient to stop with arguments of that kind; and so to beat them from that place in which they thought their strength did lie.

I have no more to adde, but do again wish that without prejudice, malice, envie, hatred, selfishness, in moderation and sobriety, thou wouldst peruse the Treatise: and I dare say thou shouldst receive more good thereby then possibly thou in the least expectest. And for thine ease I have written the heads of it, as so many assertions, or Conclusions. I leave thee, and it, to the disposal of Him who ruleth all things in the Army of Heaven, and among the Inhabitants of the Earth, whose Kingdom and Dominion are everlasting, in whose hand the hearts of the most mighty are, as the rivers of water; and He turneth them whithersoever he will. And do remain,

Thy ingenuous wel-wisher,

DAVID PIERSON.

## ANAGRAM.

MONARCHIE, and DEMOCRACIE,

described under the names of

ΜΟΝΑΡΧΙΚΟ & ΔΗΜΟΚΡΑΤΙΚΟ.

ΜΟΝΑΡΧΙΚΟΣ. μονο, alone; αρχη, desirous of reigning; ος, an Affe, and the upper part of an Affe-mill; αρχαι, ancient.

ΔΗΜΟΚΡΑΤΙΚΟΣ. δημο, People; κρατις, most strong; βεστος, best; δικη, right; κριμα, or κρισις, judgment.

**MON.** He Millstone-like weighs down and grinds the state,  
The people poor Affe-like enslaveth, and  
He Reigns alone, and Hath an Ancient date.

**ΔΗΜ.** People Do rule, Eleſting who command.  
Most strong and best he's, and from Clear debate  
Makes Right Appear, and Cauſeth Iudgment stand.

And if βεστος best Doib signifie,  
Thou is, me think, Pure ARISTOCRACIE,

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THE



A  
**SURVEY** of **POLICY**;  
 OR,  
 A Free V<sup>A</sup>NDICATION of the  
 COMMON-V<sup>E</sup>ALTH of  
**ENGLAND.**

PROEME.

COURTEOUS READER,

**I** Beseech thee judge of me impartially; Do not imagine I speak my mind more freely than is pertinent: Let me tell thee, my freedom is upon a good accompt; I may hold my face toward Heaven, and say, what I speak it is from the simplicity of my spirit: My record is from on high, I do not speak from a by-affected principle, and if I do so, shall not my Lord try it out? Why, I pray thee, wilt thou stumble at my freedom in expressing my mind against Kingly Government, in behalf of that which is popular? Verily, I desire thee, not to cleave to my judgment implicitly: Yet would I have thee duly examining without prejudice, what I speak, and embrace that which is good: wilt thou learn so much of that which the world calls Scepticism, as to suspend thy judgment a little, and not sentence against me at the first. Be not wedded to thine own opinion, but try all things, and hold that which is good. Do thou kindly embrace any thing which is of GOD in this Book. I do ingenuously profess, I shal forthwith be of thy judgment, if thou shew me better grounds, inforcing the contrary of what I maintain: Well, the main subject in hand resolveth upon this Question,

Whether

Whether or not is the Commonwealth of ENGLAND an usurped power?

These Questions being put aside, that follow, it is easily answered.

1. Whether or not, is the power of the King absolute?
2. Whether or not, is Royall Government the choicest of Governments?
3. Whether or not, is a Commonwealth the best of Governments?
4. Whether or not, is it lawfull to resist the Royall Person, and decline the Royall Authority?
5. Whether or not, doth the Covenant require us, to preserve Monarchy inviolably?

Of these as followeth.

#### SECT. I.

Whether or not, is the power of the King absolute?



He Court-Parasits, and Nation of Royalists, do plead much for an arbitrary and unlimited power to the Royall Person. But in this matter we do freely offer our judgment.

ASSERT. I. The power of the King, as it commandeth just and lawfull things, is absolute, and in such a notion cannot be lawfully contravened.

It is made good, firstly, from that which Solomon saith, ... for he doth what he ever pleaseth him. Where the word of a King [is, there is] power, and who may say unto him, What dost thou? Eccl. 8. These words by Writers are diversly expounded. (1.) Some expound them concerning the absolutenes of the Kings power, whether in things lawfull or unlawfull, good or bad. And in this we find none more willing then *Salmasius* the Humanist, *Defens. Reg. cap. 2.* (2.) Others again who are no friends to absolute and unlimited Monarchy, do interpret the words, not *de jure*, but *de facto Regni*, i.e. they opinionate, that Solomon doth not speak here of the power of Kings, which according to Law and Reason doth belong to them, but concerning the absolute way of governing, which one way or other, is conferred upon Kings, whether by usurpation or tyranny, or by a voluntary and free subjection of the people to an absolute.

solute and arbitrary power in the Kingly Person. Yet (3.) I do choose a way distinct from either of these. And I expound the words concerning an absolute power in the King, in things lawfull and honest. This I make good from the Contexts. 1. The Preacher saith, *I [counsel thee] to keep the Kings commandment, and that in regard of the oath of GOD.* Now, what power the Holy Ghost here giveth to Kings, is such a power, whose ordinances he exhorteth to obey, and that under an obligation, being tyed to obey it by a lawfull oath, the oath of GOD. But we cannot obey the unjust Acts and Ordinances of an arbitrary and illimited power. Unless you will say, that it is lawfull for us to sin against the LORD, and to do the will of man rather than the will of GOD, which is contrary to that which is spoken, *Act. 4.* and 5. Yea, as afterward is shewed, arbitrary Monarchy invested with a boundlesse power, to do both good & evill, is sinful and unlawfull. And therefore we cannot tye our selves by the oath of GOD to maintain it. Sure we are, we can not lawfully swear, to maintain and obey a sinfull and unlawfull power. Unless you may also say, that we may lawfully engage our selves by oath and Covenant, to maintain and obey the ordinance of Satan. 2. He speaketh of such a power which is not for maintaining vice, and allowing that which is evill, but for correcting and punishing of evill-doers. *Be not hastie to go out of his sight,* (so do knaves who hate the light) *stand not in an evill thing:* Why? *for he doeth whatsoever pleaseth him, &c.* Would the Holy Ghost say, ye must not dare to do evill, and with-draw your selves preposterously from the Kings presence; for he hath a power conferred on him, that cannot be contraveened in executing justice on malefactors. And therefore if ye transgresse, be sure the King will punish you. So then this manifestly holdeth out to us, that the Holy Ghost speaketh in this place, of such a power in Kings, which exerciseth good, and performeth that which according to the Law of GOD, is incumbent to the Kingly power to do. But sure I am, illimited Monarchy, whose power is also to do evill, can spare the malefactor, and punish the righteous. The Holy Ghost speaketh of a Kingly power, that produceth contrary effects. 3. The Holy Ghost subjoyneth, *Whoso keepeth the commandment, shall feel no evill thing.* Then, this must be a just and lawfull commandment; otherwise obedience to it would bring forth death, *Rom. 6.* But sure we are, this cannot be spoken concerning a boundlesse and arbitrar-

ry Regall power: for as *Solomon* here speaketh of the Regall power, so he speaketh of the effects thereof, and of our obedience thereto. And as we find, he speaketh onely of good effects; so he onely speaketh of an obedience and subjection thereto, which according to the oath of GOD, and in conscience we are tyed to perform. But as we cannot lawfully give up our oath of Allegiance to boundless and arbitrary Regall power, so there is a vast disproportion between it and the effects of that power which *Solomon* speaketh of here. *Solomon* speaketh of a power which only produceth good effects. But arbitrary Monarchy is in a capacity of producing both good and bad effects.

*Secondly*, we establish the point from reason it self; the Kingly power, as it produceth good effects, not onely in it self is the Ordinance of GOD, but also it executeth the purpose of GOD both on good and bad. But as the Ordinance of GOD cannot be contravened; so it is laid on us as a necessary duty, to subject our selves for conscience sake to him who executeth the purpose of GOD, according to the prescript of GOD'S wil, *Rom. 13*. So then, in such cases as GOD can not be contravened, no more can the Kingly power be withstood, but what it enisteth according to equity & reason, should absolutely be obeyed. In this sense the Holy Ghost commandeth obedience and subjection, not onely to Kings, but also to all other Rulers, *Tit. 3. 1. Pet. 2*. Kings and all Magistrats in this sense are called Gods, GOD'S Deputies and Lieutenants upon Earth, *Ex. 4*. and *22. Ps. 81*. feeders of the LORD'S people, *Ps. 78*. the shields of the Earth, *Ps. 47*. nursing Fathers of the Church, *Is. 49*, Captains over the LORD'S people, *1. Sam. 9*. Their Throne is the Throne of GOD, *1. Chr. 19*, their judgment is the judgment of the LORD, *2. Chr. 19*. The Land lyeth under great judgment when it wanteth them, *Is. 3*. Who then dare adventure in such respects any way to contraveen the Kingly power, and to decline his authority? for so, there is a divine sentence in his lips, his mouth transgresseth not in judgment, his Throne is established by righteousness, righteous lips are his delight, and he loveth him that speaketh right, his wrath is as messengers of death, but in the light of his countenance is life, and his favour is as a cloud of the latter rain, *Prov. 16*. In such cases his wrath is as the roaring of a Lion, but his favour is as dew upon the grasse; he sitteth in the Throne of judgment, scattering away all evill with his eyes, scattering the wicked.

wicked, and bringing the wheel over them: So mercy and truth preserve him, and his Throne is upholden by mercy; Yea, his fear is as the roaring of a Lyon, so that he who provoketh him to anger, sineth against his own soul, *Prov.* 19, and 20: Upon these grounds, and in these respects *Solomon* exhorteth us, to honour the King, *Proverb.* 24. and not to strike Princes for equity, *Prov.* 17. Therefore the Kingly power, as it is in it self, and as it executeth the purpose of the just LORD of Heaven and Earth, according to the LORD'S good will and pleasure, neither his power, nor the just Acts thereof, can be any more contraveened, then the power of GOD, and that which he commandeth to be performed: for so the King's power is GOD'S power, and what he doth, is according to divine authority. And in these notions we hold the Kingly power to be absolute: for so, as his power in such respects can not be contraveened, in like manner he may lawfully execute every thing that is good and expedient, with a full and vast power, according to Law and reason: So the power of the King of kings is vast and absolute, not because he may do both justly and unjustly, according to his pleasure, but because he may do every thing that seemeth good in his eyes, according to justice.

In this sense, I confess, *Salustius* his Author saith very well, *Im-pune quidvis facere; id est, Regem esse.* Indeed, the King may do every thing that is just and equitable, according to Law and Reason, and deserveth not to be punished therfore. This is the same which *Solomon* saith, *Eccl.* 8. v. 3. and 4. compared with *Prov.* 17. 26. Albeit we may put such a favorable construction upon these words, yet do we doubt much if *Salustius* his Author's meaning be such. Indeed, I take him to be of *Aristotle's* opinion, who saith concerning the King, — *Οὐτὸς γὰρ κτιστὸν, ἢ θνητὸν, οὐδ', ὁρῶντις αὐτὸν οὐκ ἐστὶν τοιοῦτον ἀνθρώπου ἐστὶν.* — *Pol.* 1. 3. c. 12. The Law also saith concerning the King, — *Tanta est ejus celsitudo, ut non possit ei imponi Lex in Regno suo.* *Curr. in consol.* 65. col. 6. ad *F. Petr. Rebus.* notab. 3: repet. *L. un. c. Omnia sunt possibilia Regi, Imperator omnia potest.* *Bald. in Sect. F. de no. for. fid. in F. & in 1 Constit. C. col. 2.* *Chass. catal. glor. mun. part 5. consid. 24.* All these go no other wayes (saith our learned Country-man) but thus, The King can do all things, which by Law he can do, and that holdeth in him, *Id possumus, quod jure possumus. Lex Rex, q. 26. ass. 3.* This is a  
very



very quick and noble glosse. But for my self, as I judge their meaning to be nothing such, so I am indifferent, whether it be so, or not. No question, there be many who do plead for absolute and arbitrary Monarchy, beside the Nation of Royallists. And those, to whose temper absolute Monarchy doth most relish, we find, to be attended with these qualifications. (1.) They are meerly heroick and ambitious. So were the Giants before the Flood, *Gen. 6. Beres. Antiq. l. 1.* *Nimrod* after the Flood, *Gen. 10. Bern. Antiq. l. 4.* and all the rest of the great Heroes, *Arist. pol. 3. c. 10.* (2.) They are meerly tyrannous and cruel. So we find that *Pharaoh* had an arbitrary power over the People of *Israel*, *Exod. 1* and *5.* *Nebuchad-nezzar* had the like power over his Kingdoms, *Dan. 2.* and *3.* By vertue of *Ahasuerus* absolute power, *Haman* was licenced to exercise tyranny on the People of the *Jews*, *Est. 3.* We might alledge many examples to this purpose: But the point is most clear in it self: for those who are of a tyrannous disposition can endure no Law, but their will: Otherwise, they could never get their tyranny exercised. (3.) Those whom we find chief pleaders for absolute Monarchy, are either concerned therein themselves, as *Alexander M.* and *M. Aurelius*, and such like; or else Flatterers and Court-Parasites, as *Lyricus Rom.* *Virgil*, and such like. And of this sort we find none more violent in this matter, than *Dr. Fern.* *Hugo Grotius*, *Arnisæus*, *Spalato*, &c. whose foot-steps, with his full-speed *Salmasius* doth trace. But although men by way of flattery and by-respect, may act and plead for arbitrary Monarchy; yet let me tell you, I do not imagin, but they may act and plead for it through simple error and delusion. And so I conclude, that *Aristotle*, *Xiphilin*, *Salust*, and the foresaid Lawyers do much run this way, though they be more moderate in the matter then the rest. And as afterward is shewed, we find the *Talmudick* and *Rabinick Writers* this way somewhat inclining to the lawless, and arbitrary power of absolute Monarchy.

**Affert. 2.** *The King hath not a power above Law, and a Prerogative Royal, to dispose upon things according to his pleasure, whether with, or against Law and Reason.*

**Firstly,** Such an arbitrary and vast power is repugnant to the first Institution and Scripture-mould of Kings. According to the Holy Ghost's way of moulding the King, he is thus qualified. (1.) He

is an Elective King, chosen by the People, in subordination to God. *Thou shalt in any wayes set [him] King over thee, Whom the LORD thy God shall choose* — Deut. 17. (2) A Brother-King, and not a stranger-King. *[One] from amongst thy Brethren shalt thou set King over thee: thou mayest not set a stranger over thee, who is not thy Brother.* Ibid. (3) He must not tyrannize over the People, by Leavying Forces, and by strength of hand, drawing them into Egyptian slavery. — *He shall not multiply horses to himself, nor cause the People to return to Egypt, to the end that he should multiply horses: forasmuch as the LORD hath said unto you, Ye shall henceforth return no more that way.* Ibid. These words properly, and in their emphatick sense, can import nothing else, but a discharging of the King by Forces and Armes to tyrannize over his People, that bringing them into bondage, and upon their ruines he may not strengthen himself, and multiply his Forces. So the King of Egypt did with the People of Israel, whileas they were in Egypt, under his tyrannious yoke. (4) Not a Lecherous King, given to women, for drawing him on into temptation. *Neither shall he multiply wives to himself, that his heart turn not away.* — Ibid. (5) Nor Covetous, given to enrich himself, and to build-up his own estate upon the ruins of his People. — *Neither shall he greatly multiply to himself Silver and Gold.* Ibid. (6) But he must be a King, acquiring the Scriptures of GOD, meditating on them his whole life-time, thereby learning to fear the LORD, to observe his Commandments, and to practise them, that he may be humble and lowly, not turning aside either to the right-hand or to the left. *And it shall be, when he sitteth upon the Throne of his Kingdom, that he shall write him a Copy of this Law in a Book, out of [that which is] before the Priests the Levites. And it shall be with him, and he shall read therein all the dayes of his life, that he may learn to fear the LORD his God, to keep all the words of this Law, and these Statutes, to do them: That his heart be not lifted up above his Brethren, and that he turn not aside from the Commandment, to the right-hand, or to the left.* — Ibid. Here, from we draw this Argument:

*The power of him is not Arbitrary, and beyond the bounds of Law; whose power according to the Law and word of GOD is Regulated and kept within the bounds of Law.*

But

*But the power of the King according to the Law and Word of God, is Regulated and kept within the bounds of Law:*

*Ergo, the Power of the King is not Arbitrary, and beyond the bounds of Law.*

The *Major* cannot be denied, unlesse men will be so bold, as to deny a Regulating and squaring of their Acts and Institutions according to the Word and Law of God. Sure I am none will deny it but such as will contradict Scripture it self, and decline it as the rule and pattern of their Actions: The *Minor* is manifest from the Text above Cited.

*Barclay* the Royallist, distinguisheth between the Office and power of the King; and so the man endeavoureth to elude our Argument thus: *The Office of the King* (quoth he) *is set down Deut. 17. and the King's power is spoken of, 1 Sam. 8 where (saith he.) an Arbitrary power is conferred upon the King, and laid upon his shoulders.* But this distinction serveth not for his purpose: For either the power of the King is according to the Word and Law of God, or not. If it be, then as the Office of the King is regulated, in like manner his power also is kept within the compasse of Law: For his Office spoken of, *Deut. 17.* admitteth bounds, and is kept within marches. That which is spoken concerning the King, *Deut. 17. in terminis* doth subject the King to Law, and taketh-away Arbitrarines in his Government: So then that which is spoken of the King, *1 Sam. 8.* doth either contradict that which is spoken, *Deut. 17.* or else it giveth him no power and liberty of governing above Law at random. If it be not, then it is not a Divine but a diabolick power. Moreover, what the King doth according to his power, either he doth it by vertue of his Office, or contrary to it. If by vertue of his Office, *Ergo*, the Kingly power cannot be absolute, unlesse his Office be also absolute: for so the exercise of his power dependeth from his Office. In such a case he can do nothing according to his power, but what he hath Authority for from his Office: But his Office, *Deut. 17* is not absolute, but Regulated according to Law. If contrary to it, *Ergo*, it is not the Kings Office to exercise an absolute power, and consequently the Kings Authority is not absolute. Furthermore, either the King, as King is absolute, or not. If he be absolute as King, *Ergo*, the Royall Office is absolute: For the King is formally King by vertue of his Royall Office

Office. If not absolute as King, then we gain the point : For so it followeth, that the Kingly Government in it-self is not absolute and illimited; and if the Kingly Government in it-self be not of a vast and absolute extent, we Demand, in what notion the Authority of the King is Arbitrary and illimited? Either *ab intrinseco*, i. e. As it is essentially a Kingly Authority, or *ab extrinseco*, i. e. according to some cadent and accident of the Regall Office. If the former, *ergo* the Office of the King it-self is absolute, which is not onely repugnant to that, *Dent. 17.* but also to that which *Barclay* confesseth himself. If the latter, *ergo* the King, as King, and according to his Office is not absolute : for, *quod convenit rei accidentaliter, ei non convenit formaliter.* Then we demand, if the King, as King, be not absolute, whether, or not, he be absolute as he is a Judge, or as he is a Man? If as he is a Judge, *ergo* all Judges no lesse then Kings, are of an absolute and Arbitrary power, which Royallists themselves do altogether deny; yea, they make the King essentially different from other Judges under this notion, because the Kings power is absolute, and their's is not. And consequently, seing according to the Doctrine of Royallists, the King is essentially differenced from other Judges as he is absolute, then *non licet velint*, the King, as King, is absolute. Thus the Gentlemen do contradict themselves. If as he is a Man, *ergo* all men, let-be Kings, are of an Arbitrary and boundlesse power; but sure I am, no Royallist will say so.

Next to *Barclay* in-steppeth *Salmasius* on the floor, as one minding to cut the knot, if he cannot loose it. This Gentleman labourereth (though in vain) to reconcile that of *Dent. 17.* with that which is spoken of the King, *1 Sam. 8.* *The Israelites* (saith he) *did not seek from God one King onely, but a change of the government by Judges; and instead of that, they required a Regall Government: But* (quoth he) *the Prophet to dissuade them therefrom, propounded to them these incommodities which ensue upon the Kingly government; this the Prophet calleth jus Regum, which I* (quoth he) *call the Arbitrary licence, which is granted as a lawfull power to those who govern after a Kingly manner. This jus Regum* (saith he) *the Grecians translate it Διαικονα. Whereby is understood a just and reasonable way of carry-on matters. And the Jews in this place,*

*Concerning the Commonwealt*  
 call it *וָאָדָם* which signifieth *to nadmox*. For the Septuagints  
 translate this Hebrew Word sometimes *de nadmox*. Now this  
 pertaineth to the office of some man; and albeit *to nadmox* doth  
 differ from *וְיָשָׁר*, yet some smal difference bring between them,  
 the one is taken for the other, Defens. Reg. cap. 2.

*Ans.* This Gentleman is so far from loosing the knot of the dif-  
 ficulty, as that he tieth it a great deal faster then it was before: And  
 he must give me leave to say, that he mistaketh the state of the que-  
 stion in hand. The Question is, whether or not that which is spo-  
 ken *1 Sam. 8.* is repugnant to that which is spoken concerning the  
 King, *Deut. 17.* This Royallist denyeth the one place to contradict  
 the other; and he rendereth no other reason for it, but because  
 the Prophet *1 Sam. 8.* calleth absolutenesse and Arbitrary licence in  
 the Royall Person, *ius Regum*. Now the man espyeth not the light-  
 nesse of his own inference which is this:

*The Prophet 1 Sam. 8. calleth Arbitrary power ius Regum:*

*Ergo that which is spoken of the King 1 Sam. 8. is not repug-*  
*nant to that which is spoken of him, Deut. 17.*

Whereas this man should prove the consequence, he  
 doth nothing but playeth upon the word *וָאָדָם*. Well, I  
 desire him to learn this much, in his probation of the *Ante-*  
*cedent* he standeth by that, which maketh the contradiction  
 between these places the more apparent. We have shewed already,  
 and he himself doth not deny it, That the holy Ghost,  
*Deut. 17.* subjecteth the King to Law, and disclaimeth Arbitrary  
 Power in him. And yet this Gentleman will have the holy Ghost,  
 to allow and cry-up (*1 Sam. 8.*) absolute power in the King. This  
 he not only saith, but he also endeavoureth to prove from the word  
*וָאָדָם* as it is translated and taken by some, both in Greek and  
 Latine. But I pray you, Friend, what is this, but to prove a con-  
 tradiction upon your self? Let it be so, that the word *וָאָדָם* is  
 so taken, as you will have it, (the contrary whereof we shal demon-  
 strate) yet shall you never reconcile these two places together, but  
 thereby you enforce the more a contradiction between them. And  
 consequently, according to your way, the consequence is so far from  
 being deducible from the *Antecedent*, that contrariwise it is directly  
 repugnant to it. So then, my Friend, albeit I should grant you all  
 that you would have, yet you have this to prove, That though the  
 holy



holy Ghost, *Deut.* 17. crieth down Arbitrary Government in the King, and *1 Sam.* 8. proclaimeth it, and alloweth the same in the King, yet notwithstanding the holy Ghost doth not contradict Himself, and neither of the places is repugnant one to another. Prove this, ----- *Et eris mihi magnus Apollo.*

And whereas you only prove the *Antecedent*, you do nothing but beat the air, and proceed *ab ignorantia elenchi.*

*Secondly*, It is repugnant to the power, which the holy Ghost in Scripture hath conferred upon inferiour Judges. It is clear from the Book of God, that the Lord investeth inferiour Judges with power to execute judgment on all, without respect of persons, and commandeth them to do so. And consequently they are invested with power, to execute judgment on Kings themselves. But if the power of the King were absolute and above Law, then that power which the holy Ghost in Scripture conferreth on inferiour Judges, is altogether unlawful, and in vain.

Royallists start much at this Argument. They talk much against it, and I wot not what. Because *Salmasius* speaketh most against it, we shall firstly begin with him. This man plainly denieth, inferiour Judges to have any Authoritative power over Kings. But because he is very large upon this matter, and for preventing tediousness to the Reader, we shall therefore handle the whole substance of that, which he replieth and objecteth against this Argument, in a following Sub-section.

SUBJECT. I.

*Salmasius his Opinion concerning the Power of Inferiour Judges, examined, and refused.*

**T**HAT we may in a methodick and square way, handle his opinion, and conveniently meet with these things which he replieth against our second Argument, we shall lay down his mind in these Propositions.

*Propos. 1. The Jewish Sanhedrin had no power over the Kings of Israel, and Judah.*

That he may establish this Proposition, he taketh this way to prove it: *Firstly*, The people of Israel (saith he) did seek a King to reign over them, after the manner of the Nations. But all the

Kings of the Nations in these times were absolute, and not subject to Law: Ergo. The Proposition he proveth from 1. Sam. 8. The Assumption he taketh for granted, saying, that the Assyrians, whose Monarchy was at that time, when the Israelites sought a King to reign over them, did not restrict their Kings within the bounds of Law. Therefore Artabanus Persa much commendeth that Law, whereby the Persians enacted, that the King should be honoured as the image of GOD. Plut. in vit. Themist. And Claudianus saith, that they gave alike obedience to cruell and tyrannous Kings. Traj. O tades calleth Monarchy, that to which every thing is lawful, unpunishably. Herodot. lib. 3. Then seeing the Persians succeeded to the Medes, and the Medes to the Assyrians, who reigned at that time when the Israelites did seek a King to reign over them, it appeareth that as the Persian Monarchy, so likewise the Assyrian and Median Monarchies, were of an absolute and arbitrary power. And Homer (who lived, as some imagine, about that time when the Israelites sought a King from Samuel to reign over them,) saith, that Kings are from Jupiter, and those do reign who get authority from the son of Sium. Whom he also calleth *Διὸς Βασίλεις*, divine Kings, *Διογενεῖς* trained up by Jupiter. Therefore Kings in Homer's times, were not subject to Law. Defens. Reg. cap. 2. and 5.

Ans. Both the Propositions of this Gentlemans Argument seem very strange to us. As for the first Proposition we do not deny it: for the people of Israel said to Samuel, -- Now make us a King to judge us like all the Nations, 1. Sam. 8. But it doth not follow, Ergo, make us an absolute King, as the Nations about us have. 1. Because Moses, Deut. 17. by the Spirit of prophetic foretelleth their seeking of a King after the manner of the Nations. But it is evident, that Moses there doth onely prophesie of their seeking a King after the manner of the Nations, and that as the Nations about had Kings over them, so they might have a King over them in like manner: for both Deut. 17. and 1. Sam. 8. the words are general. In neither of these it is said, Make us an absolute king after the manner of the Nations. The words admit a two-fold sense; and so they may either signifie, As other Nations have Kings, so make us a King. This sense we allow: or, as other Nations have absolute Kings, so make us an absolute King. This sense we deny; And so, this is a fallacy, either *ab Homonymia*, or *a figura dictionis*. (2.) We may as well

conclude from these words, *after the manner of the Nations*, that the people of *Israel* did seek a non-absolute and regulated King : for at that time there were Kings of the Nations, who were regulated according to Law. We read, that *Priamus* was not only withstood by his own subjects who did steal *Helen*, but also what he did in the matter of *Helen*'s away-taking, was according to the advice and counsell of Senators, whom *Paris* with his Complices did over-awe, *Dist. Cret. de bello Tro. lib. 1.* And it is observable, that *Agamemnon* and *Palamedes*, though the Kings of Kings were, subjected to Law. So *Storie Dictys Cretensis, Dares Phrygius, Homer* and *Aristotle*. Which was at that time, when the *Jews* did seek a King to reign over them. Yea then the *Egyptian Kings* were subjected to Law. *Diod. Sic. Rer. Ant. l. 2. c. 3.* And it is also evident, that at this time the *Athenian Monarchy* was not absolute. So *Heraclid. de polit. AΘΗΝ.* *Diod. Sic. lib. 5. c. 5.* Moreover, we do not imagine, but there were many other Monarchies at that time, which were not arbitrary and of an illimited power. We might prove this at length, if it were not both tedious and needlesse. But *Salmasius* himself acknowledgeth, that then all the Kingdoms of the Orient were of a limited power, regulated *κατὰ νόμον*. And for proof of this he citeth *Aristotle, pol. lib. 3. c. 10. and 11.* (3.) The people of *Israel* did seek a King under very fair pretences. They not only alleaged, that *Samuel* was unfit because of his years, to govern them, according to Law and reason, but also they pleaded for a King from the tyrannie of *Samuel*'s sons, and their non-governing according to justice and equity. Then tell me, would they ever have sought a King, that he might govern them according to his pleasure, whether to tyrannize over them, or not? Thus they should not onely have palpably contradicted themselves, but also they should have cut off from themselves these pretences, whereby they urged their purpose in seeking a King. (4.) To say, that the people of *Israel* did seek an absolute King, is to militate directly against these ends which they propounded to *Samuel*, and set before their eyes in seeking a King. The ends are three. 1. To judge them. 2. To conduct them. 3. To fight for them, and defend them from their enemies. These three particular ends do abundantly evidence, that they did not seek a King to govern them, after the manner of the Nations, whether

whether according to Law, or contrary to it; but that they sought a King to govern them, only according to Law and reason, I am sure, the second and third end imply no lesse. And if you say, that the first end may take along with it a judging, whether according or contrary to Law, we do easily obviat this difficultie. (1.) Because you shall not finde in Scripture, where judging is taken for an act of injustice and tyrannie. And the Holy Ghost in Scripture expoundeth judgment, calling it justice, 2. *Sam.* 8. (2.) Had the people of *Israel* sought a King to judge them, whether according to justice or injustice, then their arguments whereby they enforced their purpose in seeking a King, had been altogether uselesse. *Samuel* haply might have said to them, I see now ye do pravaricate in this matter, your profession is altogether vain, in declaring your selves sensible of my weaknesse and inability for judging: you according to justice and equity; and of the corruption and iniquitie of my sons, in perverting righteous judgment. Away (might *Samuel* have said) this is nothing but words. Whereas ye seek a King to judge you, whether according to Law or not, ye contradict your own profession, and give your selves the lie to your face. Yea, *Salmasius* himself doth acknowledge, that they did not seek a King to tyrannize over them, and to rule contrary to Law and reason, *Def. Reg. c. 2.* But mark how the man straight-ways giveth himself the lie: For (saith he) *they did not deprecas nor abominas an unjust King, wicked, violent, ravenous, and such-like as use to be among the Nations, though most wicked, Ibid.* We demand at this Gentleman, whether or not they did positively seek such a King as that, to reign over them? If he affirm it, then they sought a tyrannous King to reign over them. And so he belieith himself. If he deny it, then it followeth, that in even-down terms they sought no King but one who would judge them in righteousness. But this Royallist will have them positively to seek an absolute King to reign over them. Then tell me, how can this agree with these pretences whereupon they sought a King, to wit, to reform their Commonwealth, and to banish corruption out of Judgment-seats? and because *Samuel* was not able to perform this (as they alledged) therefore they sought a King. But *Samuel* might have said to them in seeking an absolute King, ye seek a remedy worse then the disease. Such a King whom ye seek, having power to govern



at randome, according to his pleasure, will not be a fit man to redresse the enormities of your Estate. He may well aggravat the burdens under which ye now groan, but he will not lessen them, and ease you of your burden. Be sure, ye will get few or no good Kings, but ye will have many bad, who having a vast power, will make you groan under their yoke. So then ( might *Samuel* have said ) ye can no wayes pretend a sense in you of the want of the exercise of righteous judgment, and of corruption and enormity in the Judges. Ye scorn your selves to enforce your purpose therefrom in seeking a King, whereas in seeking an absolute King, ye forthwith give your selves the lie, and undermine your own grounds. Again, if positively ( as is manifest from these ends above-written ) they sought no King to reign over them, but such who would govern them according to Law and reason; then is it more then apparent, that positively they sought a regulated and non-absolute King to reign over them: for, as governing according to judgment and righteousness, is done according to Law and reason, so it can never absolutely be performed, unless the governing power be absolutely hemmed in by Law, and regulated thereby. Now, the absolute ends which the *Israelites* did set before their eyes in seeking a King, do resolve upon governing according to judgment and righteousness. And I would fain know of this man, how he can conclude this consequence,

*The people of Israel did seek a King, to govern them according to judgment and righteousness:*

*Ergo, they did seek an absolute King, and did not deprecate the greatest of tyrants.*

Verily the consequence, at least *virtually*, is repugnant to the *Antecedents*: for, in so far as they seek a just and righteous King, fit to govern them according to Law and reason, in as far they abominat an absolute King, one in a capacity of tyrannizing over them. Thus you see, that the people of *Israel* do neither *positively* nor *negatively*, seek an unjust and tyrannous King to reign over them.

We hasten now to the *Assumption*. And we observe, that the man contradicteth himself in it: for he saith not onely, *cap. 5.* but also *cap. 2.* that there were many Kings of the Nations at that time subject to Law. And for proof of this, he citeth *Aristotle*, *Pol. l. 3. c. 10. and 11. Diod. Sic. l. 2.* But as a man awaking out of his



his wine he recalleth to his memory, what hath escaped him, and laboureth to correct it. And so he addeth, *that though Diodore storieth, that the Kings of Egypt were subjected to Law, yet do we never read (saith he) that ever any of them was cut-off and beheaded by the inferiour judges. And though Aristotle (quoth he) saith that all the Oriental Kings did govern natura ratione, yet notwithstanding they did rule with an absolute power, though more remissly then did other Kings. Def. reg. c. 5. & 8.* Albeit this man doth not admit a plenary and full subjection of Kings to Law, yet nevertheless he is constrained by force of example, to acknowledge, that Kings were some way or other kept under the power and reverence of Law. And he cannot deny but *Diodore storieth* of a most wonderful subjection of the ancient *Egyptian Kings* to Law. He telleth us, that they were subjected to Law in their eating and drinking, lying and rising: yea, in preserving their health they were restricted to Law. And which (saith he) is more admirable, they had not power, to judge, to gather Money together, nor to punish any through pride or anger, or any other unjust cause. And yet (saith *Diodore*) they took not this in an evil part, but thought themselves happy to be subjected to Law. I trow, this is far from *Salmasius* his *cui quod libet licet*. He will have the King above Law, not subject to any Law. But the *Egyptians* will have their Kings under the Law, and subject to it. And though this immodest man doth say, That the *Egyptians* notwithstanding did not cut-off any of their Kings, yet catcheth he nothing thereby. (1.) Because the *Egyptian Kings*, as *Diadore* telleth us, were most observant of the Laws. Therefore he saith, *Plurimi regum*, the greatest part of their ancient Kings lived blamelessly, and died honourably. *Rer ant. l. 2. c. 3.* But I beleeve that Law cannot strike against the innocent. 'Tis iniquity to kill a man, who deserveth not death. *Diadore* telleth us of three things, which made the ancient *Egyptian Kings* to walk closely, and keep themselves within bounds. Firstly, their wayes were narrowly hedged-in by Law. Secondly, they were alwaies attended with the Sons of the Noble and Chief-Priests, whose eyes were alwayes fixed on them. Thirdly, Kings that walked not straightly, as nothing was proclaimed in their lifetime to their praise, but to their discredit; so in their death they wanted the honor of solemn and sumptuous burials, which were given

given to good Kings, after their death. The fear of this, hedged-in their wayes, and made them stand in awe. (2) We deny not, but *Diodore* in that same place insinuates, there were many evil ancient *Egyptian Kings*. Yet we say not, tyrannous, as *Salmasius* would have it: for we do not think, that though many of their Kings were wicked in themselves; they got liberty to tyrannize over the People. The *Egyptian Laws* were more strict then that they would dispence such a liberty to any of their Kings. *Diodore* saith, they were tied to the Law no less then private men. And withal he saith, their Judges were most impartial, and could not be bought-by, either by favour or gain. Which maketh us imagine, that they heimed-in the wayes of the most dissolute King amongst them, and did not give him liberty to tyrannize over the People. Therefore it is very observable that *Amasis* getting power in his hands, did tyrannize over the *Egyptians*: Whose tyranny the *Egyptians* did tolerate, so long (as *Diodore* saith) as they wanted the opportunity of punishing him, till *Atisanes* King of *Ethiopia* came down into *Egypt*. And then (saith the story) the *Egyptians* called to mind old quarrels against *Amasis*, and falling from him to *Atisanes*, they unkinged him, and set-up *Atisanes* in his room, who governed them most gently and amicably. *Rex. ant. l. 2. c. 1. 5* (3) Let it be so, many of the *Egyptian Kings* in old did tyrannize over them, and they, notwithstanding, were not punished, and cut-off by the People and inferiour Judges. What then? That will never conclude their unwillingness and unreadiness to execute judgment on their tyrannous Kings, but that they wanted opportunity and power to do such a thing. So it went (as is said already) with the People and inferiour Judges under *Amasis* tyrannous yoke. But so soon as they got the opportunity, they verified the old Maxim,

*Quod differitur, non aufertur.*

Yea, *Diodore* telleth us, That the People did withstand the Priests and those, who withheld honourable and solemn burials from the bad *Egyptian Kings* in old. Which affordeth us matter to aver, That if the inferiour Judges in *Egypt* did not execute judgment on their wicked and tyrannous Kings, it was not because they were unready to do so, but because the People were refractory thereto. No question, they would much more have withstood the officiating of their Kings, then the want of solemnities at their death: for

what is it, I pray you, that draweth People on to act and engage for their Princes, but because they take them up in the notion of half-gods, and far above the reach of ordinary men? Whereupon they conclude, that both their Persons and Authority are altogether inviolable. They dote so much upon them, that they think they should in no terms be resisted, far less cut-off and punished according to their deserts. This, daily experience teacheth. Therefore the People of *Egypt* would far more have withstood the inferior Judges in cutting-off their Kings, then in denying them sumptuous and stately burials for their offences. (4) It is easie to belearned from *Diadore*, that the *Egyptians* esteemed the want of honourable burials to their Kings more then any punishment could have been inflicted upon them. Know this, they were a most superstitious People, tainted with a world of blind zeal. And withall (as *Diadore* stor, eth) the fear of the want of honourable and solemn burials provoked their Kings to live circumspectly, and keep themselves within bounds. Whereupon we conclude, That both King and People, thought no punishment more capitall, and more hurtfull to the King, then the want of an honourable buriall. And so the inferior Judges imagined, that in with-holding from tyrannous Kings sumptuous and stately burials, they executed more judgment upon them, then if they should have brought them to the Scaffold, and cause strike the heads from them. Therefore if *Salmasius* shall not admit the third Reason, (which though it be true in general, yet not in this particular case, as is most probable, though not demonstrative) he must needs confess, that the Prætors of *Egypt*, not only in their apprehension, but also in the up-taking both of the King and People, acted more against some tyrannous King or other, in depriving him of an honourable and sumptuous buriall after his death, then the Representative of *England* did in bringing King *Charles* to the Scaffold, and causing his head to be cut-off.

As for that which *Salmasius* saith, alledging that *Aristotle* saith, that the Oriental Kings in old did not simply govern *κατὰ νόμον*, according to Law. Well, let it be so. If they were any wayes subjected to Law, as *Aristotle* in even-down terms confesseth they were, it is far from *Salmasius* his *cui quod libet licet*. *Qui legibus saluus est*. Yea, and (which is more) *Aristotle* saith, That the very government of the *Heroes* was *κατὰ νόμον*, according to Law, and

and in some things their power was determinat, and not absolute. This is far from *Salmafus* his mind, who will have the King to be of an infinit and illimited power. The man would have a care, that he do not speak blasphemy and knoweth not of it. I take infnacy in power to be only proper to GOD. And 'tis not good to abuse it, in applying it to the creature. Howsoever, I heartily subscribe to what *Aristotle* saith concerning the Orientall Kings. I do not think but in old, as namely, in, and about the dayes of the *Heroes*, Kings, as Gods, were adored by men. But *Salmafus* must give me leave to say, that even then Kings were punished by the People. We read how the *heroick Theseus* was banished by the *Athenians*. *Val. Max. l. 5. c. 3. Diod. Sic. rer. ant. l. 5. c. 5. Plut. in These.* I do not deny, but as these Historiographers report, as likewise *Heraclid de Pol. Ath.* *Theseus* before that time had restored liberty to the Subject, and had put Power in the People's hand. It is also reported, that *Agamemnon* the King of Kings, was thrust from his Charge, because he would not suffer his eldest Daughtre to be sacrificed to satisfy the fury of *Diana*, for the Roe which he killed feeding about her grove. *Dist. Cret. l. 1.* That of *Theseus*, and of *Agamemnon* were done about the time the Children of *Israel* did seek a king to reign over them. We might also here alledge examples of other ancient kings, who were brought into subjection to the sentence of inferiour Judges. But we pass them as not bebecoming the purpose in hand: for they are relative to after-ages, of latter years then what *Aristotle* speaketh of. Yet we find one example or two more then what we have alledged already, answering to this purpose. It is reported that *Sardanapalus*, because of his beastliness and sensuality, was dethroned by his Subjects. *Arist. Pol. l. 5. c. 10. Metaph. an. Pers. lib. Just. l. 1. Diod. Sic. l. 3. c. 7. Miltiades* was incarcerated by the *Athenians*, and died in prison. *Val. Max. l. 5. c. 3. Emil. Prob. in vit. Milt. Plut. in vit. Cim.* Albeit he was not the *Athenian king*, yet was he their great Generall, and crowned king of *Chersonesus*. *Herod. l. 6. Em. Prob. in vit. Mil.* It is needles to exemplifie this any more; for afterward it shall be shewed by multiplied examples, how that kings in all ages have been brought to the Stage, and punished by the People.

Therefore *Salmafus* shall do well, not to imagine, that in old times all Kings were absolute, and the inferiour Judge did not sit

upon the Bench against any of them. And for my self, I do not deny, but in old Kings were of a vast and absolute power, though I cannot be moved to think that either all of them were absolute, or any of them so absolute as *Salmassius* dreameth of. But more of this afterward. And, I do also think, that the *Assyrian Monarchy*, *ceteris paribus*, was in it-self rather more, then little absolute, then either the *Median*, or the *Persian*; though by some accidental occurrences, as afterward shall appear, it was not. Indeed it had the first start of them; and was in the time wherein Royal Power was more in request then either before or after. This makes *Eschylus* to call the king of the *Argives*, *αυτοκρατωρ*, a governour that may not be judged. At this time the *Inachides* did reign: whose kingdom began about the reign of *Balaus*, the eight king of the *Assyrians*, *Herod. lib. 1. Diol. Sic. per. ant. lib. 6. cap. 14.* compared with *Beros. ant. lib. 5. ABAL. VII. BAL. VIII. MAM. XVI. SPAR. XVII.* and *Xenoph. de equis. PHOR.* And as for *Homer*, I do not doubt but the man idolized Kings. But in the interim you will be pleased to give me leave to say, that it follows not: *Homer* calleth kings, Divine, and such who are educated and brought-up by *Jupiter*: Ergo *Homer* opinionateth, that they were absolute and subjected to none but to G. O. D. He telleth us, that *Agamemnon*, in a convention of the general Persons of the Army, was greatly upbraided. *Iliad. 9.* And yet he calleth him, a king begotten of *Jupiter*, and trained-up by him. And, it is very well known, that *Agamemnon* was not an absolute King over the *Grecian Princes*: for both *Dion. Cret. lib. 1.* and *Dur. Phr. de exc. Troi lib.* report, that *Agamemnon* was put from his Office, and *Palamedes* chosen in his room. See also *Arist. Pol. lib. 2. cap. 10.* I stand not here to dispute at what time *Homer* lived, but leave it arbitrary to the Reader, either to follow *Archil. lib. de temp.* who saith, that he lived in his time, *an. D.* after the destruction of *Troy*. Or *Herod. de vit. Hom.* who saith, that he lived, *CLXVIII* after the *Trojan battel*. Yet one thing I may determine on, that *Homer* calleth those kings of the nations, who lived about the time wherein the People of *Israel* did seek a king to reign over them, *δυνασταις & Διοτρεψις*. And whatever be *Homer's* meaning in these words, yet I am not of another opinion, but do think that he was much, if not all the way for absolute Monarchy. The temper of his times



times did lead him that far on. But though I subscribe to this, yet will it never therefrom follow, that all the Kings of the Nations at that time, when the People of Israel did seek a King to reign over them, were absolute & not subject to law. This we have made good already.

Secondly: *while as Samuel taught the Jews, of what temper Kingly government is, lest afterward they should proceed ignorance of the power and rights of the King, he plainly declareth unto them, That he might do any thing, without fear of punishment, nor subject to any but to G O D. Salmasius de reg. cap. 5.* Friend, this is rather said, then proved. But afterward, *videlicet*, we shall evidence, That Samuel thought no such thing.

Thirdly: *If Kings had been subjected to the Sanhedrin, and ought to have been arraigned before it, either to have been accused or condemned, then had there been no difference between the Judges and the Kings of the Jewes. But the latter is false: Ergo.* This is Salmasius his great gun. And for proof of the Major he saith, *The Judges of the people of Israel did judge, led forth their Armies, made Lawes, executed judgement, and did exercise all other such-like functions which are exercised by Kings. Therefore unless the Kings of the Jewes had been unliabie to the Sanhedrin, there had been no difference between the Judges and the Kings of Israel.* The Assumption he maketh it good thus: *It had been altogether in vain (saith he) to have changed the government of the Judges into the government of Kings, if they had been both one. Thus the difference had onely been in name, and not in policy, Def. Reg. cap. 5.* But the man cap. 2. proveth the Assumption more largely and most pertinently. There (saith he) *the Judges amongst the people of the Jewes were subject to the Sanhedrin. And so he saith, the Judges amongst the Jewes were like the Consuls among the Carthaginians and Romans. They were called in the Hebrew צִדְקִיָּהוּ Sophetim. Whence the Penans derive the Word Sufetes. Now, the Judges in the Senat of Carthage were called Sufetes. And Festus observeth, that Sufetes in the Punic language signifies and denoteth a Consul. And out of Cælius he citeth these words, Senatus consultum referentibus Sufetu. So the Roman Consuls referred to the Senat, and the Senat judged of their refer. Therefore seeing the Judges of Israel were but like Consuls who were subject to the Senat (as likewise was amongst the Carthaginians and Romans,) they*

they were not of a kingly power, but subject to the Sanhedrin, though they retained the government so long as they lived, whereas the Roman Consuls, and Carthaginian Sufetes, were only but yearly Magistrates. And this is further cleared from the Holy Ghost's contradicting us, Judg. 9. the government of Abimelech, (who took upon him a kingly government) from the government of the rest of the Judges. Yea, the Israelites, Judg. 8. offered to Gideon that same power over them, which his son Abimelech usurped. This was a kingly government that they offered to him. Which Gideon refused. And yet nevertheless he was a Judge. And consequently if both Judges and Kings amongst the people of Israel had one and the same power, not onely the people of Israel had offered to Gideon, no new power, but what he had before, but also Gideon had refused to enjoy that power which actually he did enjoy.

*Ans.* We heartily subscribe to the *Minor*, and do much cry-up *Salmasius* in the probation thereof. I wish the man were as solid and pertinent in all the rest, as in that. Yet I crave his leave to deny the *Major*. And I think, I have good reason to do so: for he only differenceth absolute Kings from Judges, imagining that none properly can be a King essentially distinct from a judge, but he who is absolute and unlyable to the Law. He far mistaketh the point. It is one thing to be an absolute King, not subject to the Sanhedrin and Senat, and another thing to be a non-absolute King and subject to Law. And yet both are properly, and univocally Kings. The non-absolute King is essentially differenced from the *Sophet* or *Sufet*, the Judge, because he is *major singulis*, but *minor universis in Synedrio*. But the Judge is but of equal authority with the rest of his colleagues in the Senat, though because of his eminencie and personall endowments, he may preside and be as a leading man amongst the rest. Such was the case of the kings and Judges amongst the *Jews*, as after ward shall be shewed. There are some accidentall differences also between the Judges amongst the people of the *Jews* and their kings, as namely, 1. The Judges were in a most speciall, immediat, and extraordinary manner, designed and appointed by GOD himself, to govern his people. Kings were not so, if we look to them in an ordinary way, and for the most part. 2. The Judges of *Israel* had no hereditary power and government over them. Such had their kings. 3. The kings of *Israel* both in their ordination and after-

ward,

ward, were attended with prodigall, sumptuous and Royall Dignities, which were denied to their Judges. And whereas *Salmasius* essentially distinguisheth *Molech* a king, from *Sophe* a Judge, because the one is of an absolute power, and the other is not, he shal do well to advert, that he lose not more this way then he gaineth: for so he putteth the essentiall frame of the king in an absolute and uncircumscribed power. But in our first argument against this, we have shewed the incongruity and absurdity thereof. Which afterward shall more appear from what is spoken, as followeth.

Fourthly: *There can be no example alledged in the Book of God, whereby is pointed out the subjection of Kings to Law: We read not, that ever the Sanhedrin, or the people of the Jews did punish Kings for their faults. And yet many of their Kings were most guilty of many great and criminall faults, as namely David and Solómon. Def. Reg. cap. 5.*

*Ans.* This argument is like the first. Both of them speak much *de facto*, but nothing *de jure*. This is a very bad consequence: The people of *Israel* sought an absolute King to reign over them, and did set-up such a King over them: *Ergo* the power of an absolute King is lawfull, and Kings *de jure* are not subject to Law. Friend, you break-off too soon. Though I should grant you the *Antecedent*, yet before I can approve the validity of the consequence, you must prove the validity of their practice. You count your reckoning too soon, whereas you thus conclude: There is no practice in Scripture holding-out to us that the *Jewish Sanhedrin* did ever execute judgement, on any of their Kings, who transgressed the Law, and did violate it: *Ergo* Kings are not subject to Law. What if I should grant the *Antecedent*? You have notwithstanding to prove the lawfulness of their non-executing judgement on their kings who transgressed, before I can at any time subscribe to the consequence. Philosophers know (though many Humanists do not) that *a facto ad jus non statim valet consequentia*, Aye, they can tell you, that *argumentum negativum nihil concludit*. Well, as I deny your consequence, so I do not admit your *Antecedent*. I illustrate the vanity of it from examples in Scripture, both ordinary and extraordinary. Ordinary ] *Jehojadah* in the face of the Assembly commanded to fall upon *Athaliah*, and kill her, *2 Kings* 11. *2 Chron.* 23. And though you shall deny this practice as concluding any thing against your

your purpose, yet I pray you, what can you say of that practice in killing *Amaliah*? We have shewed elsewhere, that such a thing was done in a Publick and legall way. [Extraordinary] The Prophets rebuked the Kings of *Israel* and *Judah* for their faults and transgressions. And what is rebuke but a degree of punishment? And so Kings not having immunity from the lesser degree of punishment, why are they not also lyable to the greater, according to their delinquency? *Magis & minus non variant speciem.* Yes, *Iehu* executing the purpose of the Lord on the house of *Ahab*, slew both the King of *Israel* and the King of *Judah*, 2 *King.* 9. and withall he caused cut-off all the sons of *Ahab*, 2 *King.* 10. O, but you will say, These practices of the Prophets and of *Iehu* were extraordinary. And then; It is a very bad Argument: The Apostles preached by the extraordinary instinct of the Spirit: *Ergo* Ministers, who have nothing but an ordinary spirit, should not preach. So, it doth not follow: The Prophets and *Iehu* acted against delinquent kings through an extraordinary call thereto: *Ergo* those, who have nothing but an ordinary call thereto, should not do so. It may be you will say, The People can have no ordinary call, to act against their kings. Be not mistaken. (1) Extraordinary things supply the room of ordinary things, whereas they are wanting. So *Samuel* killed *Agag*, because *Saul*, the ordinary Judge, was wanting in his duty. 1 *Sam.* 15. (2) At least it followeth, that the same thing, which is done extraordinarily, may also be done lawfully in an ordinary way. Otherwise many absurdities and blasphemies should follow. (3) *Dico non oppositorum datur & alterum.* And consequently seeing there is an extraordinary call for punishing Kings, there is also an ordinary call for doing it. The reason of this is, because esse *extraordinaria* vacationis is to called, and is so in it-self, because it standeth in opposition to esse *ordinaria* vacationis, as we have shewed at length; *curf. Philosophico-theolog. disp. 4. Sect. 6.* And therefore there can be no extraordinary call for punishing Delinquent Kings, unless there be also an ordinary call for doing so. (4) Punishing of delinquent Kings either in it-self is sinfull and unlawfull, or not. If sinfull and unlawfull, then neither ordinarily, nor extraordinarily may Kings lawfully be punished: for no sin can be committed by an extraordinary Divine providence. Other wise God should extraordinarily sin. But we have shewed



shewed already, that Kings may be punished by vertue of an extraordinary call. And consequently, it is not a sin in it-self, to punish delinquent Kings. If lawfull and unfinfull, I see no reason why a thing which is in it-self lawfull and honest, may not lawfully be done, by ordinary as well as by extraordinary midfes: for either the exercise of ordinary midfes is in it self lawfull, or not. None, I am sure, will say, that the exercise of ordinary midfes is unlawful, Otherwise every thing that is done ordinarily, is done sinfully. Which to say, is absurd. And if you say that the exercise of them in it self is lawfull, then it is lawfull in it self by vertue of an ordinary call, to punish delinquent Kings. But if there be any fault and escape in the way and manner of imploying that cal that no whit hindereth, but the call in it self is lawfull and commendable: for such things are meerly extrinsecall to the nature of the call it-self. And *ab extrinseco, ad intrinsecum, non est sequela.* (5) *Jehu* and the Prophets, had no other reasons for them in speaking and acting by vertue of an extraordinary call against delinquent Kings, but what those may have in proceeding against them, by vertue of an ordinary call. They no otherwise proceeded against them by vertue of their extraordinary call, but as it was for the good of the LORD's People, and for executing Justice on their delinquency, that others might learn not to offend. But sure we are, such grounds are competent to an ordinary call, for proceeding against delinquent Kings. And 'tis an undoubted maxim, *Idem est jus, ubi eadem est ratio juris.*

*Ihst.* That example concerning *Athaliah* (saith *Salmasius*) deserveth not an answer: for (saith he) she usurped the kingdom, and killed the whole Royall Family. And so there was lesse executed against her, then she deserved. And withall according to the Jewish Lawes, it was not permitted to women to sway the Scepter, and sit on the Throne: for it is not said Deut. 17. Thou shalt see a Queen over thee, but a King over thee. Def. Reg. cap. 4.

*Ans.* That the example concerning *Athaliah* very much concludeth our purpose, we argue thus: Either *Athaliah* had the right and authority of a King, or not. If she had the right and authority of a King, ergo if the King be of an absolute power, and not subject to Law, then *Athaliah* was no more subject to Law then any other King: for as *Salmasius*, and all Royallists will have it, the



King is of an absolute power, and not subject to Law. And consequently, *Athaliah* being invested with the right of a Kingly power and authority, she was no more subject to Law, then any other of the Kings of *Judah*. Therefore if you say that *Athaliah* was invested with the right and authority of a King, you must either commend the practice of *Jebojadab* and the people in killing her, or else you must change your opinion, and not imagine Kings to be absolute, and not subject to Law. If she had not the right and authority of a King, then either because she usurped the Kingdom, and intruded her-self upon it, contrary to the consent of the People, or because she did cut-off the righteous heirs of the Kingdom, and set up her-self in the Kingdom, or else because according to the Law women ought not to govern. Not the first, because according to the Doctrine of Royallists, conquest is a lawfull title to the Crown. But *Athaliah* conquered the Crown of *Judah* to her-self. What more I pray you, did she in intruding her-self upon the Kingdom of *Judah*, then unjust Conquerers do, in thrusting themselves in upon the kingdoms which they subdue? As she intruded her-self, without the free consent and election of the People, so do they! And yet *Salmasius*, with the rest of his Brethren, will have such Conquerers lawfull heirs, and absolute kings over these kingdoms, which they subdue. Nor can you say the second, because conquerers, who subdue other men's kingdoms, cut-off all those who by pretended blood-right, claim a title to the Crown. And yet Royallists will have such lawfull heirs, and absolute kings over these kingdoms, to which they have no title but the sword. Nor can you say the third, because all Royallists admit Royal birth, a just and absolute title to the Crown. But women no less then men may be and are of the Royall Off-spring. And consequently, if the doctrine of Royallists be true, and unless *Salmasius* will contradict himself, women may as lawfully govern as men: Therefore it doth not follow, that because *Athaliah* was a woman, she had not right to govern the People of the *Jews*, and reign over them. I confesse, by Royall birth she had no title to the Crown. But she conquered the Crown to her-self, and did reign six years with the consent of the People. But sure I am, *Salmasius* and all the Royallists, as they hold the consent of the People, as a necessary ingredient to make-up the lawfulness of the title to the Crown, so they maintain conquest

quest without all exception, to be a just and lawful title thereto But what need I thus to stand? do not I know that *Salmasius* and the whole nation of Royalists will have the formall and essentiall being of the King to consist in an absolute and illimited power? But any person, whether man or woman, usurper or non-usurper, is capable of such a power, and may be invested therewith. And consequently, though *Athaliah* was but a woman, and an usurper, it doth not follow, that because she was such, therefore she was not of an absolute and arbitrary power. The greatest of Tyrants, and the worst of women, is capable of such a power. And the power is not changed, because of the change of the person, and of such and such qualifications in him. Such things are meerly extrinsecal to the nature of the power it-self. So then, if the King be formally a King, because he is of an illimited and arbitrary power; I see no reason why *Athaliah* did not reign as a King: for she was capable of such a power, wherein, according to the doctrine of Royallists, the essentiall frame of a King doth consist. And consequently, seing she did reign in stead of the King of *Judah*, and exercised his authority, there is no reason why she was not absolute and unsubject to Law, as well as he. Therefore *Salmasius* must either leave-off his opinion, and not imagine that the Kings of *Judah* were absolute and not subject to Law, or else he must cry-down the laudable practice of *Jebojadab*, and of the People, in killing *Athaliah*. For shame he will not do this.

Propos. 2. *Except the Lacedemonian kingdom, there was no kingdom in old, wherein absolute and uncircumscribed Monarchy was not erected, though in some more remis, and in others more intense.*

For proof of this *Salmasius* sheweth, what was the condition of Monarchy in the *Assyrian, Egyptian, Jewish, Median, Persian, Grecian, and Roman kingdoms*. Of the *Jewish kingdom* we have spoken already, and more of it afterward in a more convenient place. As for the *Assyrian kingdom*, together with the *Median*, he proverh, that kings in them were absolute and un-subject to Law, because such was the condition of the kings of *Persia*. This he maketh good from *Ottanes* the Persian, who defineth Monarchy to be that, to which every thing is lawful, unpunishably. Herod. lib. 3. *Yea, Artabanus averreth, That no Law amongst the*

Persians was more commendable then that whereby they enacted,  
 that the King should be honoured as the Image of God. Plut. in vit.  
 Themist. And Claudian saith, That they gave a like obedience to  
 cruel and tyrannous Kings. Therefore (saith Salmasius) seeing  
 the Medians succeeded to the Assyrians, and the Persians to the Me-  
 dians; it appeareth, that as the Kings of Persia, so the Kings of  
 Assyria and Media, were absolute, and not subject to Law. And  
 though the Egyptian Kings, before they were subdued by the Persi-  
 ans, were hemmed-in by the bonds of Law in every thing that they  
 did, yet notwithstanding, we never read that at any time they  
 brought any of their Kings upon the stage, and caused them to suf-  
 fer for their Delinquencie. They did bear the yoke of two cruel ty-  
 rants (Busiris and Cambyfes) most patiently without reluctancie.  
 Which Cambyfes, because of his cruelty, the Jews called Nebucho-  
 donozor. He desired in marriage his german sister: and so calling  
 a Councel, he demanded at his Counsellors, if there was any Law  
 in Persia which did permit such a marriage. They desirous to gra-  
 tifie their King, told him, That they found a Law whereby the  
 King of Persia was permitted to do any thing he pleased. Herod.  
 lib. 3. As for the Grecian Empire, it is known (saith Salmasius)  
 that Agamemnon had an absolute power over that Army, which he  
 led on against the Trojans. And therefore he is called Rex Regum.  
 And Æschylus calleth the King of the Argives, ἀρχὴν ἡγεμῶν,  
 an uncensurable Governour. So Homer calleth the Grecian Kings,  
 Kings made by Jupiter, reigning by, and holding their Crown of  
 him. He calleth them, Διοτρεφεῖς, & θεῶν βασιλεῖς, divine Kings,  
 trained-up by Jupiter Philip saith, that the King hath equal pow-  
 er with GOD. Diogenes, in lib. de Reg. writeth, that the King  
 is just so in respect of the Commonwealth, as GOD is in respect of  
 the Universe. And so, as GOD hath power over the whole world,  
 in like manner the King hath power on earth. In like manner  
 Ecphantas calleth it a thing proper to the King, to govern himself,  
 and to be governed by none. Lastly, he stretcheth-in to shew, how that  
 the Roman Kings of old were of a vast and arbitrary power. Romu-  
 lus (saith Tacitus) governed the Romans as he pleased. Pompo-  
 nius writeth, that Kings at the beginning of Rome had all power.  
 Dio saith, they are unsubject to any Law. Plutarch and Justinian,  
 will have the Laws subjected to them. Which maketh Severus and  
 Antoninus.

Attoninus to say, Licet legibus soluti simus, attamen legibus vivimus, Instit. lib. 2. tit. 17. Plinius in his Panegytricks saith to Trajanus, that he subjecteth himself to the Laws. And yet, as Dio saith, he had power to do every thing by himself, to command both himself, and the Laws to do every thing that he would, and not do what he would not. And Salust saith, that to do every thing unpunishably, that is to be a King. Def. Reg. cap. 5.

Ans<sup>r</sup>. I suppose, there is not plena enumeratio parium here. There were moe Kingdoms then what Salmasius hath reckoned-up. Howsoever I shall do my endeavour to find him out. And that I may take away the strength of all that he objecteth, and leave not so much as the ground-stone thereof, I lay down these following Conclusions.

Conclus. 1. Because of extraordinary hericisme and gallantry of old, some were of a simply vast and absolute power, and in nothing subject to Law.

This we make good from the condition of some Kings, both before and after the Flood. Before the Flood, the point is clear. About the 500. year of Noah's age, which was in the 1556. year of the world, Policy began to have some footing: for then men began to follow after their own inventions & hearts desires; and so men then a-dages being of huge strength, and undaunted courage, given to pleasure and renown, those amongst them, who by strength of hand could carry the pre-eminence and precedency over others, no less performed it then endeavoured it. And Noah was five hundred years old,---Gen. 5. There were Giants in the earth in those dayes, and also after that when the sons of God came in unto the daughters of men, and they bear [children] unto them, the same became mighty men, who [were] of old men of renown, Gen. 6. Hence mark these two things. 1. That in the 500. year of Noah's age there were men of a gigantine strength, mighty men, given to hard and warlike exploits, minding their own honour and renown. 2. That such men lived at random, not subject to law, nor under the command of any. Their extraordinary valour and desire of renown led them on to rule, and not to be ruled. Therefore they took them Wives of all which they chose, Gen. 6. Their awless and lawless living, maketh the Lord say, My Spirit shal not alwayes strive with man, ---Ibid. But the faithful Historian, Berosus, giveth us great clear-

ness in this matter. He saith that before the Flood there was a City called *Oenon*, about *Libanus*, a receptacle of Giants, who did reign over the whole world, from the Occident to the Orient. These (saith he) confiding in the vast strength and stature of their body, having found Arms and Engins of war, oppressed all and governed according to their pleasure. *Aniq lib. 1.*

After the Flood the first King we read of, is *Nimrod*; of whom it is said, *And Cush begat Nimrod*, --- בבל מסלכתו ראשית ונחשו ונחשו *And the beginning* (or the head) *of his Kingdom was Babel and Erech*, --- *Gen. 10.* This *Nimrod* the holy Ghost calleth, *a mighty one in the earth, or the mighty hunter before the Lord*, *Gen. 10. i. c. 2* man matchless, none like him in the earth for strength and gallantry. Because of this he erected a kingdom, despising the commandment of *Noah*, *Beros. ant. lib. 4.* and disdaining to be in subjection, whether to God or man *Joseph. ant. Jud. lib. 1. cap. 5* his aspiring thoughts drew him on to build a Tower, that thereby he might get himself a name to secure himself both before God and man. *Gen. 11. Phil. Jud. bibl. ant. lib.* And *Josephus* in even-down termes telleth us, that he incited his followers to pride, and to the contemning of God, telling them that their happinesse did not depend from GOD, but from their own proper strength. Whereupon at last he tyrannized and governed at randome. *Ant. Ind. lib. 1. cap. 5.* To *Nimrod* succeeded *Belus*, to *Belus* *Ninus*, and to *Ninus* *Semiramis* in the Kingdome of *Assyria*. Every one of which acted more then another for enlarging their Empire. They subdued all, and ruled over all, *libidine dominandi. Ber. ant. lib. 5. Mnes. lib. 97. hist. Archil. lib. de temp. Fab. Pist. de aur. sec. & c. lib. 1. Metast lib. de judic temp. & annal. Persic. Herod. lib. 1. & 3. Diod. Sic. rer. ant. lib. 3. cap. 1, 2, & c.* And as amongst the *Assyrians*, we find these four grand and matchlesse *Heroes*, who governed at random without any subjection to Law, so we find amongst other Nations some also of that same stamp. Amongst the *Egyptians*, *Osiris*, who succeeded to his Father, *Chemisenus* in the Kingdom of *Egypt*, commanding the whole earth, except these Nations and Kingdoms that were under the Authority of *Zames* King of *Assyria*. In the eight year of whose reign, *Osiris* returned into *Egypt*, with triumph over all the Nations, beside what were under the jurisdiction of the *Assyrian Empire*. And as *Osiris* did reign as an universal



versall Monarch, so did his son *Hercules*, who succeeded *Osirius* in the Kingdom, under the reign of *Baleus*, the eleventh King over the *Assyrians*. *Ber. ant. lib. 5.* We read also of *Simandius* and *Sesoftru*, two *Egyptian Kings*, who subdued the whole world *Herod. lib. 2. Diod. Sic. rer. ant. lib. 2. cap. 1.* But it is very easie to prove from *Berosus*, that *Simandius* is *Osirius*, and *Sesoftru* is *Hercules*. Amongst the *Libyans*, *Dionysius* was the great *Herros*. *Herodotus*, and *Diodore* report, that he subdued the world, and conquered many Kingdoms by battell. And *Berosus* saith, that *Dionysius* gave to *Osirius* the Kingdom of *Egypt*. Albeit *Herodotus* and *Diodore*, opinionate him to be a *Grecian*, yet I rather incline to the judgment of *Berosus*, who saith he was begotten of *Rhea*, by *Hammon*, and became *Jupiter* to the *Libyans*, even as his mother was the pretended Goddess of the *Egyptians*. *Hesiodus*, *Marcianus*, and other *Grecian Writers*, hold him as a God, and alledge him to have been begotten of *Semele*, by *Jupiter*. Howsoever for valour and strength, he was a most extraordinary person, and swayed many Kingdomes by his Scepter. Amongst the *Grecians* we find namely two extraordinary *Heroes*, *Hercules* and *Alexander M.* What great things were done by *Hercules*, and how he vanquished many Kings, and subdued many Kingdomes, is clear from many grave Writers, *Hesiod. scut. Herc. Pindar. od. 1. & 7 Sophoc. Trach. Diod. rer. ant. lib. 5. cap. 2.* Of him *Herodotus*, *Theocritus*, and others do write. The extraordinary valour and courage of *Alexander*, *Justin*, *Plutarch*, *Q. Curtius*, and other grave Writers do abundantly testifie. I need not to stand here in a particular and exact way, to prove that these Kings had an absolute immunity from Law, without all restriction and reservation. But to satisfie the curious ear a little therein, we shortly make it good thus.

1. These Kings came not to their Crowns, whether by election, or succession. At least all that they commanded fell not to them, either of these wayes. They held the right to their Crown by their sword. And so over-ruling all by force and strength of hand, they could be tied to no Law by any civill sanction, but as they pleased voluntarily to subject their necks to the yoke of Law. But as they delighted to over-rule men, no question they have thought it their glory to be likewise above the Law it-self. I confesse it is very gatherable both out of *Berosus* and *Diodore*, that *Osirius*, and *Hercules*

*cules the Egyptian*, did live according to the Lawes. Yet I do not think that it was by command, but according to their own free and voluntary resignation. That held true in them which the *Roman Emperours* speak of themselves, *Licet legibus soluti sumus, attamen legibus vivimus. Instit. lib. 2. tit. 17.* Indeed there is great difference between a Kingly power had by succession, and election, and a Kingly power obtained by conquest and sword-right. In an elective and hereditary Crown, people have at least a Physicall power, to binde the King to them by Oath and Covenant. But the case is far otherwise between a conquered people and the Conquerour. They have no power to tie him to them by Law. He may put them all to the edge of the sword, if he will. And it is in his own goodnes whether to spare them, or square himself according to their Laws. Experience teacheth to-day what boundlesse power the *Turk* and the King of *Spain* have over those Kingdomes to which they have no title, but sword-right. Therefore it is no wonder though these grand and matchlesse Heroes had an arbitrary and boundlesse power over the Kingdomes, which they conquered by strength of hand. 2. The men themselves were esteemed and honoured as Gods. And so by proportion a GOD-like power was given unto them. *Nimrod* was called the *Babylonian Saturn*, and *Dionysius* the *Libyan Jupiter*. The *Assyrians* hold *Belus* and *Ninus* as Gods. The *Egyptians* worshipped *Osiris* and *Hercules* as Gods. So did the *Grecians* honour *Dionysius* and *Hercules* as Gods. And *Alexander* thought no shame to be called the son of *Jupiter*, and honoured as a God: And as *Ninus* was holden as *Jupiter*, amongst the *Assyrians*, so *Semiramis* was holden by them as *Juno*, and worshipped as a Goddess. And what God-like titles *Semiramis* caused put on and engrave upon the Pillar, she set upon *Ninus*, you may read it, *Xenoph. de equiv.* You may read also some specious and stately titles on some of these Heroes, *Herod. lib. Diod. rer. ant. lib. 2. cap. 1.* All which serve to point out the boundlesse of their power. And withall in *terminis* we have shewed already, that *Nimrod's* power was most vaste and absolute. And so it followeth that *Belus*, *Ninus* and *Semiramis*, who succeeded him were rather more then lesse absolute then he: for as every one of them enlarged their power beyond another, so all of them extended their power beyond what *Nimrod's* power did reach to.

And













And as the first and primary Founders of Kingdoms are holden as *Saturn*, or primary gods, so their first-born are holden as *Jupiter* and *Juno*, as the chiefest of their grand-children as *Hercules*. And so, as *Amphion* saith, the secondary gods are multiplied according to the multiplication and diversity of the primary gods. So then, seeing the primary Kingdoms and first Colonies have their own proper gods; and the secondary Kingdoms, which were planted in after-times, the chief parts of the Continent being afore-hand planted by primary Colonies, had no proper gods, but such as were common betwixt them; and the primary Colonies, on the first plantation, as it is evident to us, that the heads and leaders of the secondary and after-Colonies, had no such absolute power as the heads and leaders of the primary Colonies. The power is proportioned according to the honour and respect people give to their Kings and Rulers. A primary honour, a primary power, a secondary honour, a secondary power. And consequently, the Kings of the primary Colonies being attended with a primary respect, whereas the Kings of the after-Colonies got but honour in a secondary way; no question, the power of the one was more intense, than the power of the other. And because the heads of the after-Colonies being like after-nings, were neither men of such ancient descent and root, as the heads of the primary Colonies; nor do I think they were men of such courage and strength as they. Strength and courage was the more in vigour, the more they approached the youth and beginning of time. Time's youth declining, man's youth also faded. After-time, after-strength. And withall, after-Colonies coming in upon other men's lot, both the law of courtesy and obligation (in those the primary Colonies by way of gratification, or else in simphony, had paid all claim of pre-eminence over them); of which we read nothing, neither is it probably did give them to hold one way or other of the former and primary inhabitants. This maketh nothing against the absolute power of their own proper Kings; though they honoured the first Kings of the primary Colonies, as gods. They might very well have acknowledged their own proper Kings, as having absolute power, though ascribing a divine and more intense honour and respect to the first Kings of the primary Colonies. This maketh us think, that the *Phoenicians* (where *Kiniscus* was their proper King) held *Phoenicia* the Egyptian, (though *Phoenicia* to the Egyptians)

as *Jupiter*. From whence national popularities of Kings ensued of *Jupiter*. They held of *Hercules* more then of *Jupiter*. *Hercules* was their King, but they had their being and residence of *Hercules*. Whereupon we conclude, that the first of Kings were most absolute, of a more vaste and intense power then Kings of after times and secondary Colonies. Yet we cannot deny but even such were absolute also, they being men of great valour and courage, and not onely such, but even those from whose conduct and means the being of their people did in a most special manner depend. They did not onely govern them as a people, but they made them a people. But notwithstanding this, I cannot imagine that their power was so absolute, as that it admitted no restraint. And so in respect of them, I take *Aristotle* by the hand, who saith that in the dayes of the Heroes Kings were absolute, though some of them in some things were restricted. *Μακρὴν ἀπὸ τοῦ ἡγεμονικοῦ ἀνδραγαθία, ἀπὸ τοῦ ἀνδραγαθικοῦ ἀνδραγαθία, ἀπὸ τοῦ ἀνδραγαθικοῦ ἀνδραγαθία, ἀπὸ τοῦ ἀνδραγαθικοῦ ἀνδραγαθία.* *May, some of them*, because the first founders of Kingdoms and the grand Heroes were absolute, without all restriction. But afterwards we shew, that *Aristotle's* meaning is concerning Heroes of the secondary rank, and such who in after times erected Kingdoms and planted Colonies.

Moreover, as there were colonies planted in old, by way of donation, shelter and gratification, (as were the *Gushonians*, the *Tychinians*, and the colonies of *Phaeton* and *Auton*), so colonies were planted by way of commission and subordination. So the *Affryan*, *Median*, and *Madogan*, colonies were planted in *Asia*, together with the *Moscits*, who at one time erected their tabernacle both in *Asia* and *Europe*. *Am Nimro*. This they did by virtue of a Commission, which *Affryans*, *Medians*, *Madogans*, and *Moscits*, their four chief leaders had from *Nimrod*. I can not imagine that such had a vaste and arbitrary power over their colonies: for what power they had over them was by way of Commission, and in subordination to the *Affryan Monarchy*. But we shall not stand much to grant that even such had an absolute power over their colonies, though not so vast as that of *Nimrod*. But because though the Princes of these colonies were subordinate to *Nimrod*, yet it is very likely that their Colonies had no power over them, for as the being and residence of these colonies did in a most special

might depend from the conduct and means of their Princes and Rulers; so then, as these people did much adore Princely Government, and they knew very little then what it was to call constitutions and exercise the Lawes, *Xenophon* telleth us, that *Ninus* was Imperior to the *Assyrians*. *De equit.* and so we conceive that their *Hercules* hath been *Assyrus*, their first Ruler and leader: for so by proportion *Nimrod* was their *Colum*, *Belus* the *Saturn*, *Ninus* their *Jupiter*, and consequently their *Hercules* believed either to be *Assyrus*, or else *Saturn*'s grand-child. *Xenophon* altogether that the chiefest of *Saturn*'s grand-children are the *Herculeses*. But *Belus* had not a grand-child who succeeded to him in the Kingdom. And so we suppose that their *Saturn*'s grand-child being wanting they have conferred the honor of *Hercules* upon their own native Prince. And what the *Assyrian* colonies did in that purpose, is most probable the rest of the foresaid colonies did the like also. And so they conferring a Divine honour upon their Princes and first leaders, no question they have given them all obedience and absolute subjection. And *Asar* (whom *Berosus* calleth *Assyrus*) is reckoned up *Gemo* as a very mighty and active Prince. 2. Because *Herod* though a precary and subsistive King, yet was he not subject to Law, &c. was declared unassailable to any for the murder which he had committed against *Archibutus*. *Iosephus*, lib. 1. cap. 4. I confesse this was by the means and vindication of him; of whom *Herod* in a precary and subsistive way held the Kingdom. And why may we not think far rather that the Princes of these Colonies, though but *Nimrod*'s deputies, were of an absolute and arbitrary power, though you should say, that they had it not because of themselves, but because of *Nimrod*. Howsoever I stand not much here, but let the Reader choose either of the parts he wil. And I onely put him in mind of this, that the Colonies of *Gelus* and *Eridanus* were Comissionary and Subordinative for they erected a Kingdom in *Italia* by ordore and Comission from *Ligur*. *An. drmar.* 20.

Furthermore observe, there were some Colonies planted by inter-purchase. So *Hercules* the Egyptian planted the *Thulesis*, whom *Berosus* calleth *Arinus*, *Libanus* and *Adusaricus*. These he planted by his own power and conquest. So did *Elacus* plant his *Trojans* in *Italy*, and *Brutus* his *Trojans* in *England*. Yea, *Ilacus* upon his own proper purchase planted a Colouie in *Sardinia*.



and calling it *their* Colonies. And as for the Kings and heads of such Colonies, it is nothing against them, they have been of absolute and arbitrary power: for as they planted their Colonies, without all obligation to the natives, so the being and residence of their people did more intimately depend from their conduct and means, then any of these sorts of colonies, we have spoken of already, did depend from their Captains and leaders. And so I think, *ceteris paribus*, there was more reason, for the absoluteness of the leading men of such colonies, then for the absoluteness of the heads of any of the rest of the colonies spoken of already. Here meet purchase carries the business, but there the business is carried on by the free donation of others, and by lot, or land for the up-taking. Thus the colonies were the more obliged to the conduct and industry of their Leaders. Whereas in the plantation of Colonies according to this last sort, they are extremely engaged to the endeavour and conduct of their heads and overseers. This maketh me think the fondness of the people, in trusting so much to their industry, hath made them devolve their whole power over upon their Kings, who by their conquest and purchase made them a people, and possessed them in land.

Conclud. 3. *Personal endowments, and extraordinary gifts, have drawn on people to devolve an absolute and full power, without all reservation, upon some men.*

We may make this good from the example of Noah. The Scripture acquainteth us with his completeness, how that there was none like him in his time, Gen. 5, 6, 7, 8, and 9. Yea, *Barolus* talketh much to his praise and commendation, *ant. lib. 1, c. 3, p. 10*. He holdeth him as a God, yea, as the first and chiefest of all Gods. So did the *Italians*, *Myrs. de orig. Ital. lib. 1, c. 15, lib. orig. frag. Fab. Pall. de myr. Ital. lib. 1, c. 15*. *Symon de div. It. lib. 1, c. 15*. So do *Aristotiles*, *lib. de Temp. Xenophon de equis et Metasthenes de judic. temp. et annal. Pers. lib. 1*. But for the up-taking of this matter, you shall observe with me, that in Noah's time, about the 137. or 150. years after the flood, the whole earth was divided. But before this time they were all of one mode, without all sedition and division. Then men conjointly lived without any Civill and Politick Government, for so they lived under Noah as under a common father, receiving the law from his mouth



mouth, and withall every one of this posterity did know, how that  
nature had laid most strict and severe bonds of censure upon each  
one another. Whence peace and piety were preserved amongst  
them. *Gen. 1. 2. 3. and 10. Bar. 1. 1. 3. Jos. 1. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.* Whence then was government as Patriarchal Policy. They  
were first, in further nothing disturbed with the rules of complex  
Policy. They studied more to govern in simple integrity, and the  
ties of piety, than to rule one of them over another. Hence  
saith *Arbuthnot* that 500 years after the flood, there was a golden  
age, in which Nature itself lived within the bounds of law,  
without all political sanction, over and while *Nimrod* and *Sennu-  
ron* by force of Armes began to corrupt the way of Man's living.  
*Lib. 1. c. 1.* So saith *Alberf. Rhaz. Damasc. 17. b. 1. 2.* and  
likewise *Isid. Hist. lib. 1. c. 1.* But *Fabius Pistor* nobly flourisheth  
to this purpose saying, That in the golden age, there was no Kingly  
Government, because then the desire of governing had not entered  
any man's breast. *De civ. sac. 1. c. 1. 2.* In the interim observe,  
concerning the duration of this golden age there are different opinions:  
Some who alledge *Nimrod* to have been the first that usurped  
authority and government, do reckon it to have lasted 256. years.  
So *Alberf. hist. lib. 1. c. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*  
*frag. Hist. de civ. sac. lib. 1. c. 1. 2.* These again who alledge *Nimrod*  
to have been the first King, and creator of government, ascribe the  
flood, alledge it to have endured 120. years. *Baro. 1. 1. c. 1. 2.*  
Whom both *Mantius* and *Alberf. hist.* do follow. But *Arbuthnot*  
doth stand between these two opinions. Yet we incline to the  
judgement of *Baro.* and the *Caldean.* Therefore being  
immediately after the Flood, 120. years, *Noah* was honoured by all  
as a common father; no question all power was devolved over upon  
him. And that not only because of his paternall privilege which  
he had over them all, but also because of his personall endowments,  
whereon he exceeded all his posterity at that time. Therefore nobly  
saith *Fabius Pistor*, that because those who commanded them,  
were just men and devoted to Religion, they were called and  
esteemed as Gods: for then (*Nichie*) they did not depart from  
the Law, whether the governors or the governed. All then of  
their own accord, did hold that which is good, either without  
fear or constraint. Shamefastness governed the people, and Law

the Princes. *De aur. sic. lib. 1.* But by the Princes he doth not understand Kings or politick Governours. As you may find it above-written; he saith in *terminis*, that at that time there were none such. Therefore by Princes he understandeth the chief Fathers, and the heads of the chiefeſt Families. As *Noah*, his ſons, and his ſons ſons. Whom indeed theſe *Eſtick* Writers, which before we have often already cited, call and hold as Gods. *Philos. Judæus* giveth us a very large and expreſſe Catalogue of theſe Princes and chief heads of Families at that time. *Bib. ant. lib.* what can we ſay of *Noah* who was the father of al, but that he was alſo the chief and head of all? Whereupon we need not ſear to conclude, but *Noah* then had a vaſt and abſolute power. And this may be conſidered two wayes in reſpect of the object of his power. 1. In reſpect of good. And ſo I do not think but he had a power without al limitation, to order and govern every thing in an orderly and beſeeming way. Firſtly, becauſe he was the common father of al, and by nature it-ſelf had the precedency over them. Secondly, the caſe then was extraordinary: for at that time he was the only man who beſt knew how to order and govern affairs. Men at that time were little or nothing acquainted with Lawes and conſtitutions. Knowledge and Learning were but in their beginnings then. Therefore the ignorance of theſe times neceſſarily called them to take the word at *Noah's* mouth, who was extraordinarily endow'd with grace and knowledge from above. None like him in his time. All the reſt weak and ignorant in reſpect of him. Therefore ſeing he had the precedency before all, not onely in reſpect of nature, but alſo in reſpect of gifts and graces, and not onely ſo, but likewise all ſtood in need at that time of information from him, no queſtion all the reaſon in the world maketh for an abſolute power in *Noah*, in reſpect of every good thing. Thence it is ſtoried of him, that he went abroad from Country to Country planting Colonies, and ordering things wherein GOD's honour and the peoples weal were concerned. 2. In reſpect of evil. Indeed I will not ſay that ſuch a Saint of GOD as he, did take on him a power to rule at random, and according to his heart's luſt. I conceive indeed, he took upon him an abſolute power to govern according to Law, but not againſt Law. Neither did he take on him ſuch a power becauſe he delighted to govern, and to be above others. No verily. But becauſe he

was necessarily called to govern so. Both the precedency in respect of nature, and likewise in respect of gifts, as also the weakness and ignorance of the times, called him to over-rule all according to Law, with a vast and full power. His government was extraordinary, and by necessity. And therefore we can conclude no ordinary government from it, ( absolutely to govern according to Law ) devolved over upon the shoulders of one man, or of some few. Much lesse can there be concluded therefrom a power of governing contrary to Law, without all bounds of limitation. Albeit I make it no question, whether *Noah* took upon him an absolute power of governing, whether against, or according to Law; yet do I think it very probable that none at this time would have taken it upon them, to have judged him, accused him, or condemned him. 1. No question, drunkenness is punishable by Law; But we hear of none that did so much as rebuke him for it, but wicked *Cham*, who therefore derided him, and was therefore accursed. 2. He was the common father of all at that time. 3. Of all at that time he was the most reverend, wise, and eminent. 4. They knew little what it was to hold Assizes, and call Consistories. All which move us to apprehend, that none at that time would have dared to judge him, even albeit he should have deserved it. *David* far inferior to him, wanting many priviledges over his People which *Noah* had over his, in the golden age, notwithstanding both his adultery and murder, was spared and over-leaped by the *Sanhedrin*. So *Solomon* was not judged by it, notwithstanding his idolatry and multiplication of wives & horses, which were punishable, and inhibited by Law. And yet *Solomon* had no such priviledges over his people, as *Noah* had over his posterity. And I do verily beleve, that the emency of *David* and *Solomon*, and because they were extraordinary persons, moved the *Sanhedrin* to spare them. Yes, it is to be considered, that such eminent men do not fall through a preposterous and malignant humour, but through an extraordinary desertion of God, for noble and high ends best known to God himself. No question, this hath been taken to heart by the *Sanhedrin*. And this being conferred with the emency and singularity of the men, hath carried the *Sanhedrin* by, from inflicting punishment upon them. I shall not stand to dispute, whether they did this or not. But sure I am, as they did it so fully, so they have been

been much moved thereto from pregnant considerations of the men's personal endowments. And for my self, though I think a *David* subject to Law, yet would I think it a great temptation to me (though as Judge) to sentence such a man with death. The eminency of the man, and the way of his falling would put me to my second thoughts, albeit I should endeavour nothing therein but justice. Well, call it injustice in the Sanhedrin to have spared *David* and *Solomon*, yet would I not have you to wonder too much thereat. There is great difference between a *David* and an *Adam*, a *Solomon* and a *Jeroboam*. Such are not all dayes men. And therefore I must needs say, that as the Sanhedrin spared *David* and *Solomon*, from thoughts of the singularity and eminency of the men, far more would *Noah's* posterity, in the golden age, have spared *Noah*, though in many things delinquent: for as the man was most eminent and singular, and could not have fallen but by an extraordinary desertion, and for most good and noble ends, so he had a privilege from Nature above all in his time. Yea, in *David's* and *Solomon's* time, people were well set in Laws and politick Constitutions. The Sanhedrin needed not to have spared *David* and *Solomon* through ignorance and want of skill. But it was far otherwise in the golden age as *Noah's* time. Then men were but apprentices, and spelling the first stile of the Catechisme of Policy. Every thing was but in its beginnings, in its first rudiments. Let it be so, that *de facto*, and not *de jure*, in the golden age, *Noah's* posterity denied not to him an absolute and undisputed power. I see no more but this. And I may say, that though at that time *de facto*, *Noah* should have had immunity from the exercise of Law against him, though much delinquent, yet shall I not think that ever *Noah* claimed such a privilege to himself, as competent to him *de jure*, and according to the Law.

As for *Noah's* authority and power, after his posterity was divided into factions, before we can determine upon it, you shall want to me immediately after the golden age, that there were three divided and distinct parties. 1. The godly party. 2. The heretick party. 3. The politick party. The godly party was of the posterity of *Abraham*. These followed *Noah*, and walked in his wayes. The heretick, and politick party were of the posterity of *Ham* and *Japheth*. And as the heretick party followed *Abimelech*, so the politick party



party followed *Ham*, whom the *Chaldeans* call *Chemesennus*. No question, *Noah* immediately after the golden age had a vast and absolute power over the godly, and those who walked in his wayes. You may learn the reasons of this from what is above-written. And as for the heroick, and politick party, it would seem probable, that they contemned *Noah*, and slighted his Authority: for they walked contrary to his wayes, *Gen. 10. 11.* It is known, how that *Ham* (the head of the politick, yea and of the magical party) did mock *Noah*, *Gen. 9. Berof. ant. lib. 3.* Yea, *Nimrod*, the head of the heroick party, contrary to the mind and purpose of *Noah*, caused *Babel* to be built, *Gen. 10. 11. Ber. ant. lib. 4.* But notwithstanding this we may say, that at the most it concludeth, that such were disobedient to *Noah*, and walked contrary to his will. But it will not conclude that such denied to *Noah* immunity from the Law. *P. 8.* A prodigal and riotous son may work and act contrary to his father's will: But it doth not follow, *ergo* such a child doeth strike and punish his father. Nay, a debording child may act contrary to his father's wil, and be so far from eclipsing his power over him, that he may in patience endure his correction over him. So we read that *Ham* did not repine against his father's reproof, and cursing him, *Gen. 10.* Yea, *Berosus* storcieth, that *Noah* did shut him out from his presence, and he did so accordingly, *ant. lib. 3.* And beside that he telleth us, that *Noah*, *Nim. an. 29.* gave him liberty to stay beside him three years in *Italy*. But finding, how he did corrupt the Colonies there, he commanded him to be gone, and he did so. And yet at this time he was the *Saturn* of *Egypt*, a mighty King, and of great power, both in *Egypt* and in *Italy*. *Ant. lib. 5.* I think there is very good reason for it, to say, that *Noah* in so far had an absolute power over them, as that none of them in a direct and positive way would have acted against his commandment, despising him as an enemy, and as one on whom they would and did exercise their fury. The most we can call them, is disobedient, but not rebels to *Noah*. They acted against his will, but not in despite of his will. They took not liberty from him, to do his will, though they took liberty to do their own will also. We can not think that the light of Nature was so far extinguished in them, that they did not honour him as their father. A debording son, as *Esau*, can entertain *Isaac* with Venison, though he walk not in his wayes.



wayes. And I do not think, if they had not honoured him as their common father, unless they had been extraordinarily restrained, they had destroyed him and all his followers. Sure I am, they wanted not power to do so. The godly party was but an handful in respect of them. What then, I pray you, could be the ordinary mean of their restraint, but their natural respect and affection toward him? Nay, they honoured him so much, that they esteemed him their *Celum*, their *Sol*, their *Chaos*, the *semen mundi*, yea, and the father, both of the greater, and lesser gods, *Bar. ant. lib. 3.*

And what we have spoken of *Noah*, the like also may be said of *Adam*. Before the Flood there was also a golden age 1556 years. Wherein men lived as under one common father, each of them knowing the intimate relations one to another, until Monarchy was erected, till the close of the 500 year of *Noah's* age, as is shewed already. Before which time *Adam* had died 626 years, and *Seth* 514 years. But so long as *Adam* lived, what superiority *Noah* had over his posterity in the golden age after the Flood, *Adam* had it rather in a more then lesse measure then he. *Adam* was not only their common father, but also he was their first and primary father.

As we have evinced the truth of this point, from examples in Scripture, so we may evidence it from examples in humane Histories. *V. G.* The *Mitylenians* gave to *Pittacus* an absolute power of governing because of his personal endowments. *Diog. La. de vit. Phil. lib. 1. de Pit. Artst. Pol. lib. 3. cap. 10.* The like power did the *Athenians* confer upon *Solon*, upon the same accompt, *Diog. La. de Sol. Plut. in Sol.* So it is alledged, that *James 6.* because of his pretended personal endowments, obtained an absolute power and a negative voice in Parliament. In the interim observe, That those who allow absolute Monarchy, because of personal endowments, do not imagine that Kings have an absolute power because they are Kings, but as they are such Kings, i. e. Kings not only in respect of station, but also in respect of qualification, exceeding all others. And so they conclude, that a King so qualified may very conveniently be entrusted with an absolute power: for they apprehend, that though such a man have power above Law, yet will he not act against Law. And likewise they imagine, that such a man being

being in all respects above all men, both in respect of station, and qualification, can no wayes be inferiour to any man. Thus *Aristotle* inclineth to absolute Monarchy of this moulding, *Pol. lib. 3. cap. 11; & 12.*

Conclus. 4. *Kings in old were of an absolute power, without the bounds of all restriction, by vertue of purchase and conquest.*

So were the grand Heroes, as is shewed already. Hence was it, that *Nebuchadnezzar*, and the Kings of the *Persians*, had an absolute power over the People of the *Jews*.

Conclus. 5. *Kings in old, by meer usurpation and tyranny, had an absolute power, without any circumscription.*

So *Pharaoh* had an absolute power over the children of *Israel*, and the wicked Kings of *Judah* (at least of *Israel*) over their people. Thus *Nebuchadnezzar* had an absolute power, not only over the people of the *Jews*, but also over all his subjects: Of whom it is said, -- *Whom he would he slew, and whom he would he kept alive; and whom he would he set up, and whom he would he put down, Dan. 5.* After this manner *Ahasuerus*, and *Artaxerxes*, had an absolute power over the people of the *Jews*; though we deny not, but what either of them did act or intend against the *Jews*, was by the mediation of evil Counsellours. So had *Herod* an absolute power, *Matth. 2. Jos. Ant. lib. 15.* Yet we deny not, but it was through other men's means more then his own, that he had a power to tyrannize and govern at random. The ten persecuting Kings, *Dan. 7. Rev. 13.* had an absolute power over the People of God. But moe examples of Tyrants you may read, *Judg. 1. and 9. 2 Sam. 21. Mat. 27. Luke 23. & Act. 12.* In the books of *Apocrypha*, as *Tob. 1. Jude 2. & 3. 1 Macc. 10. 2 Mac. 4. & 14. & c.* See also *Beros. Ant. lib. 1. Diog. La. lib. 6. Plut. de Dionys. Brut. lib. 6. cap. 21. Arist. Pol. lib. 5. cap. 10.* What needeth us so to accumulate quotations and examples, when-as it is evident, both from divine and prophane writ, that there have been almost, *tot Tyranni, quot Reges?*

Conclus. 6. *Unless it had been for some of these causes above-written, there was never at any time any King so absolute, but one way or other, according to Law, his power was restricted.*

In establishing this Conclusion, we observe this order.

Firstly, we prove the point from example. And in doing so you will

will do well to observe, that examples to this purpose are of a two-fold kind. 1. There are some which point out to us, That Kings in old were no lesse subject to Law, then any of the People. 2. Some of them shew to us, That though the King's power for the most part hath been absolute, yet notwithstanding in some case or other it hath been hemmed-in by Law. Of the first kind we have examples both in the dayes of the Heroes, and in after-times. That in the dayes of the Heroes, some Kings were no lesse subjected to Law then the People, may be exemplified both from the Commonwealth of the *Jews*, as also from the condition of some Kingdoms amongst the *Gentiles*. But we forbear till afterward, to speak any thing of the *Jewish Commonwealth*. And amongst the Heathen, you have to begin with the ancient and stately Kingdom of *Egypt*. It cannot be denied, but the Kings of *Egypt* in old were most precisely hedged-in by Law. Whatsoever they did, was according to Law. They washed, they washed; they lay with their wives, they did eat and drink, according to Law: They wrote Letters, and dispatched Messages according to Law. It was not permitted to them to treasure up silver, to judge or punish any at random and according to their pleasure: but as privat men they were subjected to the Laws, the yoke of which they did bear patiently, willingly submitting themselves thereto, and esteemed themselves happy to be subject to them. *Diod. Sic. rer. ant. lib. 2. cap. 3.* This *Diodore*, as he confesseth himself, hath from the writings of the *Egyptian Priests*, which he diligently searched, as he saith. Out of whose writings he giveth us three reasons, why the Kings of *Egypt* were for the most part good and kept themselves within bounds. 1. Because the sons of the chiefest Priests, who were the greatest and the most learned of all the rest, beyond the age of twenty years, were ordained to attend the King day and night: By whose on-lookings and presence, the King was taught reservedness. 2. Because the Laws were most exactly and precisely exercised on the King's Person. 3. Because the Priests, as both before death, and after death, did celebrate the praises of the good Kings, honouring them with hyperbolick encomies, so they spoke both before, and after death, to the discommendation and disparagement of the bad and wicked Kings, depriving them of stately Exequies at their interring. Now the desire of the one, and the fear of the other, kept them back from extravagancy and debor-

ding, and caused them cheerfully to take with the yoke. *Id.* And, which is more to be wondered at, *Sesoftris*, one of the grand and primary Heroes, obtained Prætors, as Judges, to govern in the Land of Egypt. *Diad. rer. ant. lib. 2. cap. 1.* The care of every thing was cast over upon them. Yea, *Berosus* telleth us, That *Sesoftris*, whom he calleth *Hercules*, delivered *Italy* from tyranny and slavery. *Ant. lib. 3.* This insinuateth, that this Noble Conquerour delighted much to live according to Law, when-as he could not endure tyranny to be exercised in a strange Kingdom, which he conquered. Far lesse I think, would he have suffered tyranny to be in his own Kingdom. The like also did his father *Ofris* (whom *Diodorus* calleth *Simulamus*) in *Italy*. *Ber. ant. lib. 5.* Him *Berosus* calleth *Jupiter* the just. I conceive he could not have been so called, unless he had been a man that walked strictly according to Law. And if these two glorious Heroes, and noble Conquerours did subject themselves to Law, how much more the rest of the Kings of Egypt in old, who were far inferior to them? Let it be so, these two lived according to the Law, *ex voluntate*, but not *ex lege*, yet will it conclude (if we compare arightly the highness of them with the lowness of the rest) that the rest *ex lege* were subject to Law. So far as *Diad. Ant. lib. 2. cap. 3.* Where he also saith out of the Egyptian Writers, That the Egyptians choosed out the best men of their chiefest Cities, of whom they made up a judicatory, not inferior either to the Council of *Athens*, or the Senat of *Lacedæmon*, judging all impartially without respect of persons. *Ariftole* observeth, That it is a sign of a well governed Commonwealth, where neither tyranny, nor sedition is. *Pol. 2. cap. 9.* But we read not, but very seldom, that in old either of these was in Egypt. See *Berosus* *lib. 11. Manetho. de Reg. Egypt. lib. Diad. rer. ant. lib. 2. cap. 1. 2.* Moreover, *Ariftole* prelateth it as a rule for preventing sedition, and keeping the Commonwealth in its integrity, to govern according to Law, and to abstain from tyranny. *Pol. 3. cap. 8. & 10.* The like do all Politicians together with the consent of *Mathaveus*, and *Salmastus*. But it is known, that the Kingdom of Egypt, as in old there was seldom sedition in it, so likewise it endured a long time inviolable. Which makes us conclude, that the Egyptian Kings kept themselves within bounds, refrained from tyranny, and walked according to the



Law. But they could not ordinarily and for a long time have done so, unless they had been subordinate and subjected to their Countsellours and Parliament. The proverb is, *Who get Liberty, do take Liberty*. And for the most part, it alwayes holdeth good.

We must not imagine that the Kings of *Egypt* in the days of the *Heroes* were singular in this matter. The *Athenians* under *Theseus* had a Kingly government, rather like a Commonwealth then Monarchy. Therefore saith *Heraclid*, *Ἠρακλῆς δὲ ἀννύετο καὶ οὐρανὸν βασιλῆα τῶν ἐν τῇ γῇ καὶ ποταμῶν*. --- *De Pol. Arb. i. c. Theseus* having gathered the *Athenians* together, reconciled them, making them all of an equall and like authority. And *Plutarch* saith the like. But (saith he) he kepted back the popular government of *Athens* from confusion, differencing between persons and persons. *De Thes.* And so *Theseus* being subject to Law was at last banished by the People. *Val. max. lib. 5. cap. 3. Diod. ant. lib. 5. cap. 5. Plus. in Thes.* So insinuateth *Heraclid* in the place above-cited. Verily *Theseus* was both their King, and in valour and Heroicisme a second to *Hercules* the *Grecian*. Yea, *Agamemnon* whom *Paterculus*, and others do call *Rex regum* was subject to Law, albeit *Salmasius* *def. reg. cap. 5.* alledgeth the contrary. (1.) Because it is reported that he was thrust from his charge, because he would not suffer his eldest daughter to be sacrificed, to satisfie the fury of *Diana*, for the Roe which he killed feeding about her grove. *Diid. Cret. lib. 1. 62.* Because he was put from his Office by common consent of the Officers of the Army, and *Palamedes* put in his room. *Diid. Cret. lib. 1. and Dar. Pbr. de exon Tro.* (3.) In a Convocation of the general Persons of the Army *Agamemnon* was greatly upbraided. *Homer. Iliad. 9.* (4.) Because *Aristotle* likeneth the *Laconick Government*, to *Agamemnon's* power. And for this he citeth that of *Homer* by us already alledged. And the *Laconick Government*, he calleth it *ἡγεμονία τοῦ κατὰ νόμον*, most according to Law. *Pol. lib. 3. cap. 10.* I confels with *Salmasius*, that *Agamemnon* had the *possessable*. But what then? *ergo* he had a power in battel, whether to destroy the Army or not, either to deliver it up to the Enemy or not. It no waies followeth. I confesse he had an absolute Power in battel, to govern according to Law, but not both according to it, and against it. Questionless, the Army never gave him such a power as that over them, whereby in the time of command



command he might have disposed upon them as he pleased. They still kept a power in their own hands of deposing him, and acting against him according to his deserts. They deposed him, and acted against him, upon meer prejudices and groundless apprehensions. Ergo far more would they have acted against him, if in the time of battel he should have gone about to have sold them unto the Enemy. 'Tis ridiculous to say, that the General of an Army, hath power to sell the whole Army to the Enemy, and the Army may not resist him in so doing in the time of battel, though the Army may withstand him at any other time. Sure I am, they have more reason to withstand him at that time, then at any other: for as then they are most in hazard, so then they have most reason to stand by their own security and self-preservation. It is reported of *Achilles*, That he disdained to be commanded by *Palamides*. And yet *Palamides* was invested with that same power which *Agamemnon* had. Moreover, *Minos* was not only King, but also the Law-giver of *Crete*. *Heracl. de Pot. Cret. Nic. Damasc. de mor. gens. Cret. Val. max. lib. 1. cap. 3. Diod. Sic. rer. ant. lib. 3. cap. 5. lib. 5. cap. 5. & alib. Plut. de Theb.* But, as afterward is also shewed, the *Cretian Monarchy* was not absolute, but regulated. And though you say, that it was so in after-times, but not in the dayes of *Minos*, yet do we gain the point: for it cannot be denied but the *Cretians* did use these same Lawes in after-times, which *Minos* first established amongst them. So saith *Aristotle, Pol. 2. cap. 8.* The like also saith *Plato* in the alledged Dialogue between *Minos* and *Socrates*. *Socrates* moving the question, Whether or not did the *Cretians* use the ancient Lawes of *Minos* and *Rhadamanthus*, *Minos* answered, they did. *Lib. 7. Min. vel. de Leg.* And *Plato* extolleth *Minos* above the very Heavens. And for this he citeth *Homer* and *Hesiodus*. He is holden by *Homer* to have been such a strict justiciar, that he saith him to be the Judge of the departed souls. To which *Lucian* alludeth. *Dial. Min. & Soss.* Withall, he alledgeth him to have gotten his Lawes from *Jupiter*. And *Hesiod* in even-down terms calleth him, the best of all mortal Kings. Yea *Plato* saith, That what he commanded the People to do, he did it himself also. And, which is more, he alledgeth, That the *Lacedaemonians* had their Lawes from the *Cretians*. Therefore we may conclude, that in *Minos* time the *Cretian Monarchy* was

regulated: for what he commanded the People to do, that same he did himself likewise. And it was like to the *Lacedæmonian Monarchy*, which was not absolute, but precisely regulated according to Law. What? Can I think that such a strict Iudicial and eminent Law-giver as *Minas*, would have assumed any arbitrary and loose power to himself, and denied it to others, executing on them the full rigour of the Law? That verily is against this practice of which *Plato* speaketh, who saith, That he commanded not to do one thing, and did another himself. The man is reckoned up amongst the chiefest Law-givers, and, as *Hesiod*, *Homer*, and *Plato* would have it, he is the chiefest of them all. But afterward it shall be shewed, that all such were against a vast and arbitrary power. And to close up this whole matter in a word, *Aristotle* saith, That in old Kingly Government was amongst the *Cretians*, but afterward the *Cretian Colmi* (like to the *Lacedæmonian Ephori*) did take it away. *Rol. 2. cap. 8.* This insinuateth, that in old amongst the *Cretians* these *Colmi* were, whose power was all one with the *Lacedæmonian Ephori*, who indeed had power over their Kings. And we read not of any beside *Minas*, who did institute these *Colmi* amongst the *Cretians*. He was the first Law-giver amongst them, whose Laws they retained until after ages, as is said already.

As amongst the *Egyptians* and *Grecians*, we find Monarchy in the dayes of the Heros, in like manner we find it to have been regulated also in other Kingdoms. The *Ethiopian Kings* were so much restricted to Law, that it can hardly be determined, whether they or the *Egyptian Kings* were most subiected thereto. As *Diodore* telleth us, of the subiection of the one to Law, so doth he story of the subiection of the other thereto. In expresse termes he saith, That the *Ethiopian King*, according to statute and ordination, leadeth his life according to the Laws, doing every thing according to the Country-fashion, neither rewarding, nor punishing any, but according to the Law of his Ancestors. And which is more to be wondered at, the Priests have such power over the Kings, that w their command and pleasure he suffereth death. And for this they alledge it to have been an old custom amongst all their Kings from the beginning, to undergo death at the desire of the Priests. *Rol. 2. cap. 11.* I shall not stand here to dispute, whether or not Monarchy amongst the *Indians*, in the dayes of the Heros

was regulated and subjected to Law. Albeit there be some probability for the non-absoluteness thereof, yet we think it good to leap it over; because the matter is not clear enough. And we shall begin with the *Indian Kingdom*, to shew, that in after-times in it Kings were of a non-arbitrary and regulated power. It is reported, that the *Indians* established those Laws which they received from their ancient Philosophers, the *Gymnosophists*: Who taught, that all were free, and none were servants. This they established by Law. And so the *Indians*, like the *Lacedemonians*, had their *Ephors* and overseers, chosen out from amongst the common people; and beside them there were some few chosen, who in nobility and prudence exceeded all the rest, who were interested in governing and ordering all the great affairs, both of King and Kingdom. *Diod. rer. ant. lib. 3. cap. 10.* In like manner the *Egyptians*, as in the heretick times, so in after-times, they most precisely subjected their Kings to Law. *Diod. ant. lib. 2. cap. 3.* For as in old both the King and the Kingdom were governed and regulated by Pretors, so afterward out of their chiefest Cities, *Heliopolis*, *Memphis*, and *Thebes*, the best men were chosen to sit in Judgment, and to over-rule all, not inferior to the *Athenian Areopagites*, nor to the *Lacedemonian Senators*.

Amongst the *Grecians* there were severall Kingdoms wherein the Regall power was hemmed-in by the hedges of Law, in after-times after the dayes of the Heroes. Which maketh *Aristotle* say, that in after-times the power of Kings was weakned, and subjected to the People. partly by the people's detracting from their power, and partly by the King's own voluntary dimission. *Polit. 3. cap. 10.* We have examples of these not only amongst the *Grecians*, but also among other nations. The *Athenians* diminished the power of their Kings after the *Codrus* had become lecherous, soft and effeminate. At that time they changed their Kings into Princes, whom they called *Agxortas*, *Herach*, &c. *Pol. Ath.* But it seemeth very probable that then they rather changed the name then the power of their Kings: for long before the race of *Codrus* was extirpated, *Theseus* had restored liberty to the *Athenians*, and (as is said already) had erected a Commonwealth amongst them. Which appeareth to have lasted during both the time of the Kings, and likewise of the Princes. And consequently seeing there was a Commonwealth

wealth in both their times, there could be no difference in their power. But that we may give an exact and punctuall answer to this pre-occupation, you shall take notice of the different condition of the *Athenian Commonwealth*, and of the changes thereof. First, before *Theseus* reign, we do not imagine otherwise, but that the *Athenians* were governed, not onely by a Kingly government, *Ber. ant. lib. 3. Maneth. de reg. Egypt lib. Heract. de Pol. Atb.* but also their Kings then were of a vaste and absolute power, according as the power of the Kings used to be in the dayes of the Heroes, *Arist. Pol. 3. cap. 10. and 11.* Secondly, under *Theseus* reign the power of the Kingly government was much impaired. Then the people were restored to liberty, and got power in their hand, as is said already. Therefore *Enripides* saith, that the *Athenians* under *Theseus* did not come under the yoke of one man, but the people as free-men governed like a King by course. In *Thes.* Yet we must not imagine that then there was a perfect and entire Commonwealth erected. No, verily: for *Theseus* remained notwithstanding as their Prince, and as one having greater authority then any Patriot and Commonwealth's-man. I will not say that *Theseus* retained a power in his hand, equall to the power of the People, and their Representative. That is expressly against what *Enripides* and others above-cited do report. But this much I may say, that he retained as much power in his own hand, as made him superior and of greater authority then any one at-least, whether of the Councel, or of the People. And that he was the first man in dignity and authority in the Commonwealth is clear. 1. Because as both *Aristotle* and *Plutarch* report, he remained notwithstanding the Prince of the Commonwealth. Therefore even unto this day he is reckoned-up in the Catalogue of the *Athenian Kings*. 2. Because he differenced between the *Patricians* (whom we call gentle-men) tillers of the ground, and Crafts-men, giving to them power according to their ranks and stations, investing some of them with greater, and some of them with lesser power: and consequently seing he differenced one kinde of persons from another in the Commonwealth, making some of them in authority Superiour to others, much more hath he retained a power in his own hand, whereby he was differenced from any amongst all the rest. 3. Because the *Codrids* and those who succeeded him, were properly called



led Kings, and therein they are contra-distinguished from *Apyrris*, the Princes, and diametrically opposed to them. But I conceive that there was greater reason why *Theseus* was a King then they were. He was heroick, and not so were they. Yea, *Heracled* in plain terms saith, that Kings were not abrogated from amongst the *Athenians* till the posterity of *Codrus* became effeminate and lecherous. At which time (saith he) they were taken-away, and Princes put in their room. Observe therefore, that from *Theseus* untill the last of the *Coarids*, the *Athenian Monarchy* was regulated. We establish the point thus. 1. Because *Theseus* himself (as is proved already) was regulated: Ergo far more *Codrus* and his posterity were regulated. *Theseus* was of an heroick temper, such as were not the *Codrids*. And so by nature he was more disposed for an absolute way of governing then they. He lived in an heroick time, wherein Monarchy was most in request. But their time was of another stamp wherein Monarchy was wearing-out of request. 2. Because, while as the *Grecians* carried-on an Engagement against *Troy*, at that time the *Athenian Monarchy* remained regulated also. *Iustin* saith, that *Demophoon* son to *Theseus* was Captain of the *Athenian navy*, which went out with *Agamemnon* against the *Trojans*. lib. 2. But we believe other more antient Writers rather then him, who say, that the Captain of the *Athenian navy* then was *Atheseus*, *Theseus* son. *Dicth. cres. de bel. Troj. lib. 1. Dar. Phr. de exs. Troj. lib. and Homer. Iliad. 2.* Howsoever *Plutarch* gathereth from the way of *Homer's* speaking of the Navy, which came from *Athens*, under the conduct of *Mnestheus*, that *Theseus* government was regulated and much impaired: for (saith he) *Homer* doth call these ships, as belonging to the People. in *Thes.* Just so say *Dicth. Cretensiu. & Dares Phrygius*. And so *Plutarch's* way of reasoning holding good the *Athenian Monarchy*; whether under *Mnestheus*, as some say, or under *Demophoon*, as *Iustin* saith, was not absolute but limited: for the ships which were rigged-out of *Athens*, against *Troy* were not called *Mnestheus* or *Demophoon's* ships, but ships belonging to the people of *Athens*. Well, I reverence this consequence, not for it self (for *Homer* speaketh that same way of the out-rigging of ships in other *Grecian King doms*, where I do not think but there was absolute Monarchy, though in some things peradventure circumscribed) but for *Plutarch's* authority. And



So in this matter resting upon it, I conclude, that seeing the *Athenian Monarchy* was kept within the bounds of Law, in the dayes of *Minesthen* and *Damophon* two brave Heroes, much more was it of a circumscribed power in the dayes of *Codrus* and his posterity, who were but of an ordinary and non-heroick temper. And as for *Codrus* himself, I do not think that such a man would have endeavoured the away-taking of those liberties wherewith *Theseus* privileged the *Athenians*, whereas in maintainance of their liberties he exposed himself to the undergoing of death it self. *Val. max. lib. 5. cap. 6. Just. lib. 2. Plut. in Codr.* Aye, and which is more, whileas the *Codrids* became lecherous, soft, and effeminate, the *Athenians* did abrogate Kings from amongst them, and changed their Kings into Princes. Which beareth us this much in hand, that the *Athenians* did retain a power in themselves, whereby they might either keep in or shut out their Kings. And it is remarkable that it is not said they did abrogate their Kings, because of the tyranny of the *Codrids*. *Herack. de Pol. Ath.* Which insinuateth that notwithstanding their personall escapes and out-breakings, they acted nothing for diminishing the peoples Power.

Thirdly, after the *Codrids* had become effeminate, and had abused their power, the people took away Kings from amongst them, and in their room set up Princes. Now, the question may be moved whether or not had these Princes as great power as had *Theseus* and *Codrus*? For removing of this difficulty observe, that there were some who did govern only as Princes, and some did rule as Kings. Those who governed as Princes are of a threefold kind. 1. Some of them were appointed to govern for their whole lifetime. Who were thirteen in number, each of them reigning after another. 2. Some of them were decennial Princes, seven in number who governed every one of them for the space of ten years. The last of the decennial Princes was *Erechon*, whose government left off *an. mmmi. 3282* before the reign of *Pisistratus* about 128 years. 3. Some of them were annuall and yearly Magistrates. Some would think it strange to say that these three kinds of Princes had that same power and authority which *Theseus* and *Codrus* or any other of the *Athenian* Kings had. But if you take along with you this distinction, you shall find the matter clear. There is a twofold, non-absolute and circumscribed power. 1. Intensive and substantiall

substantiall, 2. Extensive and circumstantiall, It cannot be denied but these Princes in all the three kinds had one and the same power intensively and essentially which *Theseus* and the *Clevids* had. The reason of this is because the power of the *Athenian Kings* in it self, and at the utmost was but a regulated power subjected to the Law of the people, as is proved already. Therefore saith *Enripius*, bringing in *Theseus* speaking of the power of the *Athenians*,

*Eros, neos andros, diai, elauthera woxis.*

*Δυνας δ' αραδεις διαδοxασιν* is power of better and of *Ενδοxασιν.*

In English.

Athens,

*A City free is not governed by a King.*

*A King by himselfe governeth not a people.*

Whence it is more then evident, that *Theseus* was so little subjected to Law then any of the people. Thence it is that *Diodore* reporteth, that the *Athenians* taking in in an evil part that *Helen* by lot had fallen to be wife to *Theseus*, he feared them, and therefore transported her into *Ampuliria*. *Re. ant. lib. 5. cap. 5.* And how they kept both him and the *Clevids* in subjection to Law, is already proved at length. Which maketh us say, that formally and according to the essentiall frame of non-absolute and limited power, they had no more power then any of these Princes above said, who did govern onely as Princes: for both of them were subjected to Law, and neither of them had a prerogative over it, and an exemption from it. We have shewed already that the *Athenian Kings* had no such priviledge. Ergo far less had the *Athenian Princes* any such priviledge. 1. Because Princes as Princes are ever one way or better inferiour to Kings. 2. Because the *Athenians* changed their Kings into Princes, because their Kings became lecherous, soft, and effeminate. And consequently unless they had changed their power as well as their name, they had wroughe to no purpose for reforming the abuses and enormities of their Kings. 3. The annual and yearly Princes, (whereof nine did govern together, six of them being

*Thesmothites*

The *machines* were solemnly sworn to the people that they should govern according to Law. And he who was *burisio*, King amongst these *rex* *princes*, had no more power but to provide for the sacrifices, and to order and govern the battell. *Heract. de Pol. Ath.* This cometh just to that which *Aristotle* saith concerning the detracting of the power of Kings in after ages. Then (saith he) the people detracted so much from their Kings, that they entrusted them with no more power but to govern the battell, and to oversee the sacrifices. *Polis. 3. cap. 10.* This is reckoned-up by him as the lowest degree of Monarchy, which he calleth *μαλιστα κατὰ νόμον*, most according to Law, and of the *Laconical kind*. *Pol. 3. cap. 10. and 11.* But if you shall alledge that the yearly Princes amongst the *Athenians* had not such power as the decennial Princes; and those Princes who kept the government for their life-time, I shall not stand much to yield that; for I suppose that as in some accidental and circumstantial way in the matter of power the *Athenian Kings* were differenced from the *Athenian Princes*, so it is most probable that after such a manner these three several kinds of *Athenian Princes* were differenced each one from another, and therefore it is alledged that a Commonwealth was not erected amongst the *Athenians* till annual Princes were set over them. Which maketh the Princes of the first and second kind, though none of the third, to be reckoned-up as Kings. Yet this must give me leave to say, that though the *Athenian Commonwealth* was not fully and completely established till the erecting of annual yearly Princes, notwithstanding in some degree or other, there was ever a Commonwealth amongst them, from the daies of *Theseus* untill some of their annual Princes began to usurp and brought them under bondage: for not only, as is said already, their Princes of the third kind, but also their Kings and Princes of the first and second sort were subjected to Law, and the people had a ruling power over them. And so all of them had the like power according to the essentiall frame of a regulated and popular power, though the Kings had a more vast authority, and might extend their power further according to Law than the Princes; and those of the first kind, then the Princes of the second, or at least of the third kind. *Extr. as Majors* viz. have greater power than Aldermen, and Aldermen then Counsellours. Howsoever we find

that the Princes of the third kinde are also called *ἡγεμόνες*, as well as the rest. They are said to have had the power of the battell, and *τοὺς κατατάξαι θυσιὰς* of the sacrifices. He who had this power is called *Βασιλεὺς*, King. Thus we finde that he had that same power which the *Lacedemonian Kings* had. But it is afterward shewed that such were proper, though not absolute Kings. Well, I regard not though you esteem not such as Kings properly so called. I lose nothing by this. If we argue from examples of former and ancient Commonwealths, then have we the *Athenian* and *Lacedemonian Republicks* as presidents of a popular government and Commonwealth. Friend, this is the mark we drive most at in the matter in hand.

Those Princes who governed as Kings did usurp a greater power then what according to the fundamentall government of the Kingdom, and the institution of *Theseus* did belong to them. So *Cylon* endeavoured, but his attempt was choked in the bud. *Herod. lib. 5. Thucid. lib. 1. Hecac. de Pol. Ath. Cic. de leg. Pontar. de Sen.* But what he intended *Pisistratus* acted, as is storied by the same authors, together with *Diogenes Laertius, Valerius maximus* and *Diodore*. And that usurpation continued untill *Thraſybulus* and *Rhinon* 4 dayes. These did vindicate the liberty of the *Athenians*, against those tyrants who did keep them under bondage. *Hecac. de Pol. Ath. Val. max. lib. 4. cap. 1. lib. 5. cap. 61. Simli. Prob. de Thras.* And so their government turned meerly popular, and became an even-down Commonwealth. *Alex. ab Alex. lib. 4. cap. 21.* And as for these Princes we deny not, nor can we say otherwise, but they had, not onely as great, but also greater power then any of the *Athenian Kings*, whether *Theseus* or any King that succeeded him. And that they were of equal power at least, is evident: for they did reign not as Princes, but as Kings. *Her. de Polat. Ath. And Pisistratus* (one of these usurping Kings) in his Epistle to *Solon* saith plainly that he walked according to *Solon's* Lawes, differing in nothing from the people but in honour and dignity. But he addeth, that he took upon him that power which the *Athenians* conferred upon *Cecrops* and his posterity. And in this he acknowledgeth that he reined, and had such a power, not by the Law of the Kingdom, but by a Law of his own making. Whence it is evident that *Pisistratus* by usurpation took upon him as great power as did *Cecrops*, or



or any of his race. Yea, and that they had greater power, is also clear: for *Justice* flourisheth, That after *Codrus*, while-as the Administration of the Republiek vvvas given over into the hands of yearly Magistrates, the King's lust became the People's law. Thus he telleth us, that in the times of defection, and vvwhile-as corruption entered the State of *Athens*, Kings became absolute and vvvere of an arbitrary power. *Post Codrum, --- administratio Republica annuis Magistratibus permiffa est. Sed Civitati nulle Leges tunc erant, quia libido Regum pro legibus habebatur.* And aftervvward he speaketh, how they vvvere reformed by *Solon*, and how *Pisistratus* and others vvwho succeeded him, did tyrannize over them. *Lib. 2. Solon* looked upon the *Athenians*, under *Pisistratus* reign (albeit he governed according to *Solon's* Lawes) as under the yoke of bondage.

*Καὶ Πιστράτα καὶ οἱ ἄλλοι δουλοκράται.*

*Diog. La. de vit. Phil. lib. 2. in Sol.* And it is reported, that *Cleon* and those who followed him, destroyed the Commonwealth. Great tyranny there indeed, and arbitrariness of power. *Her. de Pol. Ath.* Thus we see clearly, how, that not onely Kings in after-times were regulated and, in all things subjected to Law, but also, as some of the *Athenian Princes* were inferiour, so some of them were superiour to the *Athenian Kings*.

In *Corinth*, the Kingly Government was also regulated. *Περικλῆς δὲ ὡς ἐπὶ τῷ ἱστικῷ τῆς ἀρχῆς δευτερογενὲς ἐξῆλθε, βαλὼν δὲ ἐν ἐκείνῳ κατὰ τὸν ἥρακλ.* *Herac. de Pol. Corinth. i. c.* *Periander* first changed the Commonwealth, taking to himself a guard, --- and at last appointing to himself a Senate. Now you must not think, that this Senate had not power over *Periander*. 1. Because that Senate cannot properly be called a Senat, wherein the King hath a negative voice: It is but at the most a cypher, far from the nature of Senates that were in old amongst the *Athenians*, *Carthaginians*, &c. 2. Because *Periander*, in his Epistle to *Solon*, advised at him, what he should do in securing himself from those who went about to kill him. And *Solon* in his Epistle to him, advised him to lay down his lording power. It is very easie to know what hath been the cause, why his own subjects endeavoured to cut him off: for it is reported of him, that he was the first King who went conveyed with a guard of Souldiers. Whereupon he suffered none to live in the



the City. This could not but irritate his subjects against him, and make them conspire against his life. See *Herod. lib. 5. Diog. La. de vit. Phil. lib. 1. in Sol. & Periand. Herac. de Pol. Corin. Thrasibulus* counsel was just contrary to *Solon's*. He desired him, to spare none, whether friend or foe, but cut all off. Which he did indeed, as *Herodotus* reporteth. But we must think, that he advised with *Solon*, after he had put in execution *Thrasibulus* counsel: for *Solon*, in his Epistle to him, telleth him, That the way to secure himself in his Kingdom, was, not to cut-off any, but to lay-down his lording power over them. This insinuateth, that he had followed *Thrasibulus* counsel, and had cut-off his subjects, before either *Solon* wrote to him, or he had advised with *Solon*. And *Heraclid* saith in even-down terms, That he was neither unjust, nor violent, hating all gross and scandalous vices, and commanding all those to be drowned in the sea, who were prostitute to such manner of wickedness. This could not be in the time of his tyranny, when he made havock of his people, and of which *Heraclid* speaketh, before he entereth a-talking any thing of his justice and reservedness. Which is more then apparent to us, that he became a just and moderate man, leaving-off his tyranny and oppression, upon *Solon's* counsel and advice. And so we fear not to say, that he did put power in the peoples hand, adding a Council to him, for keeping him within the bounds of Law. This we may learn from *Heraclid*, who having spoken of his moderation and justice, telleth us, That he did constitute *Buln*, a Council or Senate. Verily, we cannot think but it was *Periander's* wisdom and choice, to follow *Solon's* counsel, in giving liberty to the people, and in priviledging them with a power over him, to hedge-in his wayes by the rules of Law. *Aristotle* saith, that his lording over the people made them lay their heads together against him. *Pol. 5. cap. 10.* And *Solon* counselled him, to leave-off his lording power, as the chief and only way of securing himself, and conciliating the favour of the people. Who can think that such a vvise man as he (who is reckoned-up amongst the seven Sages) vvould have despised the counsel of such a vvise man, another of the Sages also? Yea *Chilo*, in his Epistle to *Periander*, though in a satyrick way, is little or nothing different from that vvich *Solon* counselled him to. And that *Periander* practised according to *Solon's* advice and counsel, is clear, by comparing

paring it with what *Heraclid* speaketh concerning *Periander*, He had the wise men, his fellows in wisdom, in greater respect then to postpone any of their advices, as is evident from his Epistle which he wrote to them. *Diog. La. de vit. Phil. lib. 1. in Per. 3.* Because it was *Periander's* express judgment, that Popular Government was better then Monarchy, *Diog. La. ipid.* Now, this could not be, while-as *Periander* delighted to lord and tyrannize over his people. And so, 'tis more then probable, that as he changed his judgment, he likewise changed his practice. These two go alwayes hand in hand together. Wherefore to me it is more then evident, that *Periander* gave his people power over him, and willingly subjected himself to Law.

Regal Government amongst the *Carthaginians*, in after-times was regulated, and in all things subjected to Law. But you will do well to consider with me these things. 1. As *Carthage* was in its beginnings. 2. As it was in after-ages. In the first respect, it cannot be denied, but Regal Government in it was absolute. Firstly, Because *Dido*, the first founder of *Carthage* was worshipped by the *Carthaginians* as a Goddess. Secondly, Because *Dido*, by her own proper industry builded *Carthage*, and made the *Carthaginians* a People. *Just. lib. 18.* Thirdly, Because in the beginning Kingly Government was most in request. And therefore Kingdoms in the beginning were governed by Kings. So say *Aristotle*, *Justin* and *Salust*. Then men were little acquainted with the rules of Policy. Which makes *Aristotle* say, that Kingly Government in the beginning was established, because it was then difficult and hard to find out many men of wit and judgment, to govern the Commonwealth. *Pol. lib. 3. cap. 11. & lib. 4. cap. 13.* We shall therefore not judge it strange, that Kings in the beginning of any Kingdom were absolute and of an arbitrary power. People then had noe policy, and knew not how to exercise Law aright, and to keep their Kings within the bounds thereof. But according to the second respect, we must think that there was a change in Court. Then the *Carthaginian Kings* became subjected to Law. It is therefore reported, that *Machabes* (or, as *Orghus* saith, *Mexens*) was banished by the *Carthaginians*. And finding, that (after he was by strength of hand released from his banishment,) he endeavoured to lord over them, they accused him, and executed judgment on him,

him, as on a malefactor and parricide; both as a Rebel against his Country, and as a murderer of his son. *Just. lib. 18.* Tell me not that *Machabees* was not their King, but the general Captain of their Army. (1) Because his son *Carthage* was by the *Carthaginians* trimmed-up in a Kingly attire, instead of *Machabees* his father; they clothed him in Purple, and put a Crown of Gold upon his head. This signifieth that *Machabees* was of a Kingly Power, though not boundless and arbitrary. *Just. ibid.* (2) Because the *Lacedemonian Kings* had no power, but of the battel. And yet they were properly Kings. But *Machabees* had such a power as that. (2) Because it cannot be denied, but *Machabees* had as great power as *Hannibal*. *Mago* succeeded to *Machabees*, *Ardubal* to *Mago*, and *Hannibal* to *Ardubal*. *Just. ibid.* But it is known, that *Hannibal* was of a Kingly Power: for he was one of the two *Carthaginian Kings*. *Emys. prov. in Flav.* 'Tis remarkable that *Hannibal*, for fear of the *Carthaginian Senate*, fled into *Syria*. Wherefore the Senate forfeited his estate, did cast down his house, and declared him a banished man. *Prob. ib. Plut. in Han.* Howsoever *Aristotle* in even-down terms telleth us, That the *Carthaginian Kings* were subjected to Law. For comparing the *Carthaginian* and *Lacedemonian Commonwealths* together, he saith, that the *Carthaginian Kings*, and Senate were just so as the *Lacedemonian Kings* and Senators: *Pol. 2. cap. 9.* And so he subjoyneth, that the People both amongst the *Carthaginians*, and *Lacedemonians*, did command both King and Senate, having a power of judging them, and of contradicting their Ordinance. That same also he saith of the *Cretian Commonwealth*. And cap 7, he saith That *Cosmi* amongst the *Cretians*, had the same power which *Ephors* had amongst the *Lacedemonians*. I confesse in that chap, he saith, That in the beginning the *Cretians* were governed by Kings, who were at last taken away, and the power of the battel devolved upon the *Cosmi*. This maketh nothing against us: for so he insinuateth, that the *Cretian Kings* had but the power of the battel, seeing in putting-out their Kings he speaketh of no more power than was added to the *Cosmi*, but that they were entrusted with the managing of the war. And cap. 9. in plain terms he saith, (comparing the *Cretian* and *Lacedemonian Commonwealths* together) That the *Cretian Kings* and

Senate

Senate were of the same stamp and condition, of which were the Lacedemonian Kings and Senators. And (saith he) in the Caribagian, Lacedemonian, and Cretian Commonwealths, the people had power both over King and Senate, to judge and withstand them.

As for the Lacedemonian Kings, it is beyond all controversy, that in after-ages they were subjected to Law, no lesse then the people. Therefore saith *Xenophon*, οὐκ ἐβύληθη, ὡς τοῖς βασιλεῦσι τυραννικὸν εἶδημα δαδέναι, ὥς τοῖς πολιταῖς ὅσον ἀντιπαραστήσειν τῆς ἀντιπαραστάσεως. *De Repub. Laced. lib. i. c.* *Lycurgus* did not suffer a lordling and tyrannick power to be given to the King, nor did he put such power in the people's hand, as to beget jealousie and envie against the kingly power. And *Aristotle* saith, ἡ ἐν τῇ Λακεδαιμονίᾳ πολιτεία δούλοῦ, μὴ εἶναι βασιλεῖα μαλιστα ὅτι κατατομοῖ. Οὐκ ἐστὶ δὲ αὐτῇ παντὸς. *Polit. 3. cap. 10. i. c.* The Kingly Power in the Lacedemonian Commonwealth is most restricted to Law: for it hath not a vaine and arbitrary power. This maketh him say, *Pol. 2. cap. 7. & 9.* That the Kingly Power was subjected to the People, and the Ephori had the greatest power in the Commonwealth. Which cometh just to that which *Heraclid* saith, Ἐφῶρες ἡ μὲν οὐκ ἔστιν ἀρχὴ τῆς πόλεως. *De Pol. Laced. i. c.* The Lacedemonian Ephors had the greatest power in the Commonwealth. *Xenophon* likewise saith, That the King did swear monethly to the People, to govern according to Law. *De Rep. Lac. lib.* And *Nicolaus Damascenus*, That he did swear to govern according to Law, before he got the Crown. οὐκ ἔστιν ὅτι πρῶτος ἀρχὴς ὁ βασιλεὺς κατὰ τὴν τῆς πόλεως νόμον βασιλεύει. *De Mor. Gent. Laced.* And how great the power of the Ephors, the Representative of the People, was over all the rest of the Magistrates in the Commonwealth, you may learn from *Plar. de Leg. lib. 4. lloc. Pan. & Plur. de Civil. Instit.* Whereupon saith *Xenophon*, they had power of deposing, imprisoning and judging (even to the sentence of death) the rest of the Magistrates. οὗτοι ἀρχὴν μεταξὺ καὶ καταπαύσαι, καὶ εἰσβαλεῖν, καὶ πάλιν ἐκ τῆς πόλεως ἐκτρέφειν κατὰ νόμον. *De Rep. Laced. lib.* And because of the vastness of their power over the rest of the Magistrates, they did at their own hand imprison and condemn *Agis* their King, *Plur. in Ag.* In this they went against the Law of the Nation, because according to it they had only power to judge and sentence their King, while-as the King of the



other family did sit upon the Bench with them. *Pausan. Laced.* But they without the concurrence of any, at their own hand did imprison and sentence *Agis*. The power of the *Lacedemonian King* is taken-up in these notions. 1. At home he had charge of the sacrifices, *Arist. Pol. 3. cap. 10. Herod. lib. 6. Xenoph. de rep. Lac. lib.* of ordaining Magistrates and Priests, and of dismissing Messengers, whether friendly or hostile. See *Herod. & Xenoph. ibid.* But *Xenophon* saith, That at home he had but the honour of a private man. 2. From home, and in the battel, he was first, and had the chief hand in managing the matters of the war: So say the fore-cited Authours.

*Inst. 1. The Lacedemonian Monarchy* (saith *Salmasius*) *was peculiar. All other Monarchies beside were absolute and of an un-circumscribed power, though some were more intense, and some more remisse. And* (saith he) *the Lacedemonian Kings were rather General Captains, then Kings. Therefore Aristotle defineth their power, to be a power of commanding the battel, from a perpetual title of birth-right. Pol. 3. cap. 10. 14. Yea, and though the Lacedemonian Ephori did cut-off Agis, yet notwithstanding the people did abominate and detest that fact. Def. Reg. cap. 8. Wherefore the man doth esteem the annual Carthaginian Kings properly not to have been Kings. Otherwise* (saith he) *the Judges of Israel may also properly be called Kings: for they had that same power which the Carthaginian Kings had. The one were called Sophetim, and the other Sufetes. Both which come to one purpose. And yet* (saith he) *the Scripture calleth the Judges of Israel, Kings, Judg. 18. But this must be taken in an improper sense. And so he concludeth, that Probus doth call the Carthaginian Sufetes, Kings improperly. Def. Reg. cap. 7.*

*Ans.* We do much wonder at the man, who is not ashamed to say, that all Monarchies besides the *Lacedemonian* were absolute and unsubjected to Law: We have evinced the contrary of that already, having shewed from the examples of many Commonwealths, that Kings were no lesse subjected to Law then any of the people. And in this the manner of Royall Power amongst the *Romans* is not wanting. The power of the King was subjected to the Senate. *Rex ad Senatum referebat. Pomp. Lat. de mag. Rom. i. e.* The King had his referres to the Senate. *Penes hoc quidem senatores adeo*

*semper totius Reipublica summa innixa est, ut ne Reges quidem, Consules, aut Dictatores, aut alius quispiam magistratus inconsulto Senatu quippiam moliretur. Feneſt. de mag. Rom. i. e.* The sum and head of the whole Commonwealth did ever so depend from these senatours, that even Kings, Consuls, or Dictators, or any other Magistrate did not enterprize any thing without consulting the Senat. *Senatores, ----- veluti praesides, & Reipublica custodes, tanta auctoritatis fuisse, ut si populus Regem, aut magistratum quempiam jussisset, id sic ratum foret, si Senatus auctor fieret. Alex. ab Al. lib. 4. cap. 11. i. e.* The Senatours, ---- as Praesidents and keepers of the *Republick*, were of so great authority that if the people had commanded the King, or any Magistrate, that accordingly should be ratified, if the Senat authorized it. See also *Liv. lib. 1. Dionys. lib. 2. Digest. lib. 1 tit. 9. Luci. Ann. lib. 1. cap. 1. & Plut. in Romul.* Aye, which is more, Dictatours (whereof *Julius Caesar* was one) who amongst the *Romans* were of greater power then Kings, were subjected to the Tribunes: for it is reported that *M. Fabius* appealing from *L. Papyrius* Dictatour to the Tribunes, by their authority exempted his son *Q. Fabius* from punishment. *Alex. de Alex. lib. 1.* Well, we shall not alledge that the Tribunes, the Representative of the people, had greater authority positively in exercising acts of Law then the Dictatours: for not onely *Alexander ab Al. x. lib. 1. Geni. di. cap. 3. lib. 4. cap. 23. lib. 5. cap. 2.* but also *Pomponius Let. de magistr. Rom. and Feneſtella de mag. Rom. lib. alt.* do plainly say, that in respect of positive authority the Dictatours were above the Tribunes, and there was no appellation from them. Yet all of them say, that in respect of negative authority, the Tribunes were above Dictatours, Consuls, and all the rest of the *Roman Magistrates*, because they had power of interdicting and discharging all the rest of the Magistrates, Dictatours, or any other from undertaking any thing as they judged fit and expedient, should neither be acted-for nor against. And so having this power *de jure*, as is condescended upon by *Alexander* himself, and all others, I admire why *Alexander* maketh any question concerning *M. Fabius* appellation from the Dictatour to the Tribunes: for so he did not appeal to them, as to judges of greater authority then the Dictatour, but as to propugnatours and defenders, having a power of inhibiting what was done, as they judged amiss

amisse by the rest of the Magistrates. Albeit they had not a main voice in judging ( wherein the power of the Dictatour was above their's ) and in discerning, yet had they a main voice in defending, approving and disapproving.

And whereas this man alledgeth that *Aristotle* is of his judgement, he is close mistaken: For *Aristotle* doth not define the *Laconick Monarchy*, *Στρατηγίαν κατὰ γένος εἰδὶον*, the power of the battell, according to a perpetuall title from blood-right, because he opinionateth that the *Lacedemonian Kings* were not properly Kings, but because the greatest authority the *Lacedemonian Kings* had, was in leading-forth the Army. There indeed they were *primi* above the Senat and Ephoric. Whereupon he also calleth the *Laconick Monarchy* *στρατηγίαν αὐτοκράτορα*, a power of leading forth the Army by it's own power. He is so far from being of *Salmasius* opinion, that contrariwise he reckoneth up the *Laconick Monarchy* amongst the proper species and and kindes of royall power. *Polit. 3. cap. 10. and 11.* And whileas he speaketh of the *Lacedemonian Kings*, he doth so call them, *Pol. 2. cap. 7. and 9.*

*Inst. 2. Aristotle doth so* ( saith *Salmasius* ) 1. *Because the power of the battell was hereditary to the Lacedemonian Kings.* 2. *Because the Lacedemonian Kings in battell had a full free and Kingly power.* Aye, ( saith he ) they had also a power in those things, which related to the ceremonies, wherewith Kings in old were solemnly entrusted. *Def. Reg. cap. 8.* *Ans.* The first reason is forthwith nought. 'Tis a bad consequence: The *Lacedemonian Kings* were hereditary Commanders of the Army in chief: *Ergo Aristotle* because of that calleth them Kings. *Quasi vero* he had had no such reason for him to call them Kings, if they had onely been entrusted with the power of the battell by election. Friend, you are a-little mistaken in this. 1. Because *Aristotle* divideth the power of the battell into hereditary and elective power. *Pol. 3. cap. 10.* Thus he contra-distinguisheth the one from the other, as two different species properly and specifically differing the power of the battell in generall. 2. Because a Kingly power is not therefore Kingly, because it is hereditary. Yea, which is more, a Kingly power, *ceteris requisitis*, is properly and formally elective. And therefore *Aristotle* should have had more reason to have called them Kings, if their power had been by election, and not by suc-

cession. So the man himself judgeth whileas he saith, that the *Carthaginian* and *Cretian* kings were better ordained then the *Laconick*: Because (saith he) the *Laconick* kings are ordained by succession, and they by election. And he addeth a reason to this, because saith he, by election the best are choosed, whereas by blood-right the like cannot be had. Whereupon (saith he) the hereditary title of Kings amongst the *Lacedemonians* hath brought great hurt and detriment unto the Commonwealth. *Polit.* 2. cap. 9. And as for his second reason, it plainly contradicteth himself: for so he confesseth, that in the battell they had a Kingly power. And he hath little reason to say, that *Aristotle* called them Kings because they had a power of over-seeing the sacrifices. So had the *Ashe-nian* annual Princes, whom properly he will not admit to be called Kings. Howsoever it cannot be denied, but properly they were Kings, albeit they were subjected to Law. 1. Because it doth not follow that a King properly is not a King, because he is a regulated King. We have shewed already, that G O D no otherwise mouldeth the King, but as he subjecteth him to Law. *Affert.* 2. And afterward we shall shew how that the Kings of the *Jews* were regulated Kings. And yet who will deny but they were proper Kings? 2. The King is not properly King, unlesse he be a regulated King and subjected to Law, as both already and afterward is shewed. And therefore the *Lacedemonian* Kings were Kings properly, the rather because they were regulated, 3. Because *Salmasius* himself confesseth, that in the battell the *Lacedemonian* Kings had a full and Kingly power. And yet then their power was not absolute and arbitrary. They had not then a full power to act against Law, but according to Law, as you may learn from *Conclus.* 6. in comparing their power with *Agamemnon's* power. Therefore either *Salmasius* will contradict himself, or else he must needs say, that Kings are properly Kings, though they be regulated. 4. Because all that write of the *Lacedemonian Commonwealth*, of whom we have cited many already, do call the Captain-Generals of their Armies, Kings. And 'tis remarkable that *Lyander* in an oration, which was found after his death, perswaded the *Lacedemonians* to shake-off the Kingly government, and elect a Captain-Generall for governing the battell. *Plut. & Emyl. prob. in Lyf.* This he speaketh of the *Lacedemonian* Kings, as contradistinguished from Captain-Generals



Generalls of Armies. O, but (saith *Salmasius*) *Lyfander* onely deborted the people from setting over their Armies Captain-Generalls by succession, and perswaded them to take from them the name of Kings. Def. reg. cap. 8. See how the man bewrayeth himself: for *Lyfander* was Captain-Generall of the *Lacedemonian* Army. And yet he was not their King. Therefore amongst the *Lacedemonians* it was one thing to be King, and another thing to be Captain Generall of the Army. I confesse their King had also the power of the Army. But he had not onely other power beside, but also he had power of the battell in a more intense way then any deputed and substituted Captain amongst the people. Otherwise there had been no difference between *Lyfander* and the King, who was but onely Captain of the Army. Yea, which is more, *Lyfander* doth not speak of shaking-off *regium nomen*, but *regiam potestatem* as is clear out of *Probus*. But sure I am, *regia potestas* is not *nomen regis*, but *res regis*.

*Salmasius* shall have no need to deny that the *Carthaginian* annual Kings were Kings properly so called. But in the interim he shall give us leave to consider and take a light view of the nature of the word *sufetes*. Which is taken in a twofold sense. 1. Largely. And so the word may be derived from the root *שפח* *sapha*. Whence *sufes* is all one with *שופה* *sophe*, *speculator inspector*, *episcopus*, or *ephorus*. Thus *sufetes* may be referred to judges of any sort. And in this sense *Alexander ab Alexandro* referreth it to the *Gracian alymneta*, the *Egyptian dioces*, the *Persian megistanes*, the *Oscian medix*, &c. *Geni. di. lib. 4. cap. 23*. Him *Julius Scaliger* followeth, whileas he saith, *Porro qui Hebraice sciunt, & non ignorant Pænos, Tyrorum colonos esse, concedent mihi, Sufes idem esse, quod ἱερός, ἱερατικός, ἱεροκτὴν, שופה*. And so the man supplying *Festus* words, saith, *Sufes dictus est Pænorum lingua summus magistratus, ut Oscorum medix, &c.* 2. Strictly and by limitation. And so it is derived from the root *שפח* *saphat*. Whence *sufes* is all one with *שופה* *sophe*. Which in the Greek is *νεῖται*, a judge. In this sense it is applied to the *Carthaginian* yearly Kings, and *Roman Consuls*. *Alex. ab. Al. gen. di. lib. 3. cap. 3*. The word *sufes* by *Festus*, and *T. Livius* is rendered *consul*. So it is by *Sabellius*, *En. 5. lib. 5*. It cannot be denied but as *sufetes* is a *Punick* word, so in it's most strict and rigorous acceptation, it is only relative

relative to the *Carthaginian annual Kings*. Yet I must needs say, that as it is taken strictly and by way of limitation, with very good reason it may be referred to the *Roman consuls*; for they had that same power which the *Carthaginian Kings* had, and both of them were yearly Magistrates. Having thus discussed the grammar of the word, you may observe, that in it's first acceptation it is not onely relative to those who in old were above Kings, but also to those who were inferiour to them. And in the second acceptation it is relative to such, who amongst the *Carthaginians* were both *re*, and *nomine* Kings, and amongst the *Romans*, to such who were Kings, not *nomine*, but *re*. But if we take *sufetes* precisely for *sophetism*, ( unless you take *sophetism* in a larger sense then it is taken in the book of the *Judges* ) you must needs say, that it is onely relative to such who were Kings neither *re* nor *nomine*: for afterward I shall make it appear, that the Judges of *Israel* were so far from being of a Kingly power, that contrariwise they were but of equal authority with any of the Sanhedrin. At least it is easy to prove that they were not of a Kingly power, or of such power as had the *Roman consuls*; and the *Carthaginian sufetes*, albeit we should say that they were the first of the Sanhedrin, having greater power then any of the rest: for the *Athenian annual Princes* had more power then any member of the *Athenian council*, and yet they were not properly Kings. We may say the like also concerning the decennal Princes, and those Princes who amongst the *Athenians* did govern for their life-time. I deny not but these may be, yea and were, called Kings, who were not so indeed, as the Judges of *Israel*, *Judg.* 18. And, we deny not, ( as *Salmasius* will have it, *Def. reg. cap.* 8. ) but many both of old and new also were and are not called Kings, who were and are of greater honour & authority then they. What then? This will never conclude, that the *Carthaginian sufetes* were not of a Kingly power. Though the word *sufetes* may be taken for *sophetism*, yet shall we never conclude therefrom, that the *Carthaginian sufetes* had no more Power then the Judges of *Israel*. At the most it concludeth, that they had not a kingly power in a full and intense measure. And therefore the word in its most native signification is all one with *Consules*, who had a kingly power, though not in the highest degree. And for my-self, I can find

find no essential difference between the *Carthaginian Sufetes*, and the *Lacedemonian Kings*. Whereupon I am made to conclude, That as the one, so the other also, were of a kingly power.

This man looketh upon the off-cutting of Kings, as a thing of another world, even as if such a thing had never been practised before since the world began. He telleth us of *Agis*, how that amongst all the *Lacedemonian Kings*, none was cut-off but he. But in the *interim* he shall observe, that though in the examples which we shall alledge to this purpose, there be some of them which speak nothing of the off-cutting of Kings. Yet all of them do speak of the punishment of Kings, either one way or other. And know likewise, that in old Kingdoms in punishing of capital faults, used diverse wayes of punishment. Amongst the *Indians* the delinquent, though guilty of the greatest crime, got no more for his punishment, but to be shaved at the King's command. This was thought amongst them a capital punishment. *Nicol. Damasc. de Mor. Gent. Ind.* Some Nations, who dwelt about *Caucasus*, on capital transgressours did execute banishment, as a capital punishment. They executed it instead of death. It is reported, That the *Tratlians* thought it punishment enough to inflict upon a murderer, if he did give a bushel, or measure, of Pulse to the friends of the defunct. The *Druids* and *Cercets*, for the greatest faults, did no more, but interdicted the delinquent from being accessory to the sacrifice. The like punishment was also executed upon sacrilegious persons in *Elephantine Ethiopia*. *Alex. ab. Al. gen. di. lib. 3. cap. 5.* Where if the Reader shall be pleased a little to trouble his eyes, he shall see how that some Nations in old, according to the Laws of the kingdom, in their punishments were most severe, though against the smallest faults, and some were not so, but were most remisse in their punishment, though against the greatest crimes. Therefore *Salmasin* shall not think, that those, who did not punish their Kings with death, were any more favourable to them, then those, who did bring them to the scaffold and cut-off their heads: for he may see, that amongst some Nations, even a small punishment was thought capital. We shall therefore think, that the *Egyptians* of old in withholding stately and glorious burials from their delinquent Kings, did esteem that as great, if not a greater punishment, then if they should have brought them forth, and caused cut-off their head.

head. *Diod. rer. ant. lib. 2. cap. 3.* In *Meros* they withdrew themselves from the society of their delinquent Kings, till through want of company they consumed away in languish. This they esteemed a greater punishment, (and indeed so it was) then if they should have brought him to the scaffold. *Alex. ab. Alex. lib. 3. cap. 5.* And how the *Egyptians* plagued *Amasis* their King, is storied already, *Prop. 1. Anf.* The Senate amongst the *Cumeans*, which they called *Phylactus*, holding their Kings by the hand, still detained them till they either rewarded them, or punished them according to their deserts. *Alex. ab. Alex. ib.* The *heroick Theſeus* was banished by the *Athenians*. *Val. max. lib. 5. cap. 3.* *Diod. Sic. rer. ant. lib. 5. cap. 5.* *Plut. in Theſ.* *Sardanapalus*, because of his beastliness and sensuality, was dethroned by his subjects. *Arist. Pol. lib. 5. cap. 10.* *Metasth. an. Pers. lib. Just. lib. 1.* *Diod. Sic. ant. lib. 3. cap. 7.* And (as *Herodotus, lib. 1.* Rorieth) after *Sardanapalus* was put out of the way, both the *Aſſyrians* and *Medes* for a long time were governed without Kings, by Popular government. The *Arbenians* did cut-off *Cylon*, together with his accomplices, who intruded himself upon the Kingdom, or at least endeavoured to do so. So did they cut-off *Hipparchus*, son to *Pisistratus*, and also endeavoured the off-cutting of *Theſſalus*, another of his sons, who succeeded to him in the Kingdom. They did also cut-off *Cleon*, together with 1500 with him, who had destroyed the Commonwealth. *Herac. de Pol. Ath.* They caused *Miltiades* to die in prison, although he was King of *Chersonesus*. *Herod. lib. 6. Val. max. lib. 5. cap. 3.* *Emil. Prob. in vit. Miltiad. Plut. in vit. Cimi.* And you will find *Aristotle* tell you in the general concerning *Pisistratus* and his posterity, who were Kings in *Athens*, how they were punished and shut from their Kingdom. *Pol. 5. cap. 10.* *Leonidas*, King of *Lacedemonia* was banished. So was *Cleombrotus*. And *Agis* was imprisoned, and cut-off in prison, though I must needs say, unjustly. *Plut. in Ag. & Cle.* But *Aristotle* shureth up all this in a word, *Διο Λακεδαιμονίοι πλείους καταλύσαν τυραννίδας, i. e.* Therefore the *Lacedemonians* have destroyed many kingly powers. *Pol. 5. cap. 10.* The *Syracusians*, under the conduct of *Dion*, expelled *Dionysius*, and banished him. *Arist. Pol. 5. cap. 10.* *Emil. Prob. & Plut. in Dion.* The *Carthaginians* once banished, and at last did cut-off *Machem*. *Just. lib. 18.* They also banished



Hauling and forced him alive: And if he had not taken away  
 privily, they had cut him off *Plus & Pheo. in Haul. Tarquini-*  
*us Superbius. C. Caesar, and D. Nero, were cut off by the Roman*  
*Luc. And. lib. 2. cap. 7. lib. 4. cap. 2. Plus. in C. Cas. & Carph. M.*  
*Satan. in C. Glos. & Nero. Aurel. villan. in Ner. Epis. vit. Cas.*  
*in On. C. D. Ignat. Rom. prin. in lib. 1. c. 2. b. A. and saw of*  
 Inst. 3. *O. hae* (saith Salmasius) *Nero was cut off, not de jure,*  
*but de facto. And* (saith he) *there was as great a difference be-*  
*tween Charles and Nero, as was between the Roman Senators, and*  
*the English Butchers. Des. Reg. c. 14. de Jus. This poor man*  
 knoweth not what he would be at. His over-word is, Did ever any,  
 as the Rebels in *England* cut off their King? Was ever any Nation  
 (saith he) so monstrous, so cruel, and so barbarous as the *English*  
*Rebels, Gun-purges, and bloody Butchers, who dared to put hand in*  
*their dread Sovereign?* Read this man's Book all over, and you will  
 find this to be his over-word: What? Did not the Senat of *Rome*  
 cut off *Nero*? And yet (saith he) never any before did cut off  
 their King, but the *English* *Enthusiasts*, and giddy-headed Tray-  
 tors. The man needeth not to look upon the off-cutting of  
*Charles*, as a thing singular: If he will not be wilfully deluded, he  
 may learn from what foregoeth, many examples of punishing, and  
 cutting off delinquent Kings. The Question between he is not com-  
 monly, whether, or not Kings, *de jure*, may be cut off; but also, whe-  
 ther, or not, *de facto*, Kings were punished and cut off by the Peo-  
 ple? Concerning the fact, *Salmasius* cannot get it denied, albeith he  
 strives to juggle us out of it, by changing the state of the question,  
 and turning aside from that, which for the present is most in hand.  
 And I wonder much, that the man calleth in question the lawfulness  
 of the fact of the *Roman Senat*, in causing *Nero* to be cut off.  
 Add as for the lawfulness of the *Roman Senat's* fact in cut-  
 ting off *Nero*, if know it not, if say beside *Salmasius* cap. deny it;  
 but an ignorant Devil: he was a murderer, a parricide, a persecuter  
 of the Saints, and a destroyer of the Commonwealth. And Roy-  
 alists themselves have not a face to deny, that it is lawful to cut off  
 Tyrants. And whereas he saith, That there was a difference be-  
 tween *Nero* and *Charles*, and between the Senators of *Rome*, and  
 the Representative of *England*. So say I of *Nero* and *Ethel-*  
*rick*, but *Charles* is a Christian. But friends, *unhappy Christians* and *un-*

Antichristian. In this he was worse then *Nero*, more dangerous at least, though not so grosse. *Nero* was a paricide, but not *Charles*. Yet let me tell you, as they differed in some things, they agreed in other things. As *Nero* was an enemy to Christ's reign, so was he. As *Nero* was a murderer, so was he. As *Nero* was a persecuter of the Saints, so was he. And as *Nero* was a destroyer of the Commonwealth, so was he. And as for the Representative of *England*, they differ from the *Roman Senators* in this, that they professed friendship to Christ, & the *Roman Senators* in *Nero's* time were not so. And who, but enemies to Christ, will say, That Ethnicks had more power to execute judgment on a Tyrant, a persecuter of the Saints, and a destroyer of the Commonwealth, then such had in executing judgment on a man of that same stamp, rather worse then better?

And to draw home to our own doors, we will give you some examples out of the *English* and *Scottish Chronicles*, how Kings were punished and brought upon the stage. Amongst the *English Kings*, we find these, *Garbanianns*, *Emériannus*, *Vortiger*, *Edwine*. All these were dethroned and put from their Kingdom. *Edward* was imprisoned by the Barons, with the help of the young Queen and Prince. *Edward 5.* was dethroned, and obscurely buried in the Tower of *London*. Amongst the *Scottish Kings* we find not a few, who were either banished, imprisoned, or cut-off. *Therent* by his Nobles was constrained to flee for fear of them. *Dunelm* was killed in battel by his People. *Gillus*, his People and Nobles arising against him, diffiding his own, tied into *Ireland*, and at last was dishonoured, taken, and killed. *Edmonus 3.* was taken in battel by his Nobles, & condemned into perpetual bonds. *Danistun* was taken in battel, and being beheaded, his head was hang'd up for a spectacle, and his body cast into a Sink. *Lugbuckus*, once was censured by a Parliament, for slighting the counsel of the States, in appointing base men to Publick Offices; and as last he was killed by the Noblemen and People. The like hapned to *Mogaldus Conarus* degraded and imprisoned (where he died) till he resigning the Kingdom, they substituted another. *Asbire* being pursued by his Nobles, killed himself. *Donaldus 3.* usurper, was killed by *Cnathilintus*, *Adama manu* collected. *Remakus* was censured by the Parliament, and being beheaded by his Nobles, his head was put upon a pole. *Constantinus 1.* was punished by his Seaten

*Ferchardus* 1. (*Remucentem, acce expugnata, in jus pertrahunt*) in prison killed himself. *Ferchardus* 2. was also censured by the Parliament. *Eugenus* 8. was put to death by the Parliament, all consenting thereto. *Donaldus* 5. being censured by the Parliament, was put in prison, where he killed himself. So *Ethus* being dethroned, in prison died of grief. *Constantine* 4. was killed in battel, *Grimus*, being taken in battel, his eyes were put out, and he died of wounds and grief. *Machethus* being vanquished, fled into the Castle of *Dunse*, where he was killed. *Donald* 7. was made to flee by *Duncanns* (for whom the Nobles sent) in *Abudas*. *Duncanns* was made to flee, and afterward put in prison, where he died. This was done by *Edgar*; sent for by the Noblemen to that purpose. *Edward Balsol* was expelled and shut-out of his kingdom. *James* 3. was killed in the pursuit by his Nobles. *Q. Mary* was arraigned in Parliament, and by a great part condemned to death, by many to perpetual imprisonment. What will *Salmasius* say to these practises? Or rather, what will the *Scots* speak of them? O marvelous and unspeakable Providence! Never enough admired, never enough praised. Behold, and see in this matter the stately steps of Providence. It is known this day to the world, that no Nation is so malignant as *Scotland*; so much idolizeth a King, and doth upon him as it doth: It is not ashamed, to postpone Christ's Interest to *Cesar's*. No Nation, pleadeth so much for absolute power to the King; as it doth; It pleadeth for an absolute immunity to the King, from all punishment and restraint. And yet (albeit I have read most of the ancient and chief Chronicles of all the ancientest and chiefest Kingdoms of the world) I never read of any Kingdom that proceeded so much against, and so often did punish delinquent Kings, as the *Scots* in old have done. No question, our *LORD* in his wisdom hath done this, that the *ancient Scots* may stand up in judgment to-day, to condemn the practice of the *latter Scots*, who are not ashamed to idolize a King, a creature like themselves. Having most abundantly evidenced, how that Regal power in many forrain Kingdoms, in old, hath been subjected to Law, no lesse then any inferiour power; we do now in the next room, drawing home toward our own deors, demonstrate, the King of *Britain* to be a regulated and non-absolute King, according to the Laws and Customs

Customes of England and Scotland. As for England, we must needs take it under these notions: 1. As it was before *Julius Caesar* conquered it: for that time, it is thought very doubtfull and uncertain, and therefore I minde to passe it at this time, till afterwards in a more convenient place; in a word, not sparing to say, that *Brutus*, the first King of England, was an absolute King: for as he lived in the dayes of the Heroes, wherein Regall power was most in request, so by his own proper conduct and industry, he firstly founded and planted a Kingdom there. This cometh nigh that which *Aristotle* saith, alledging that in the dayes of the Heroic Kings had *αυτακρατωρ*. Observe by the way, that though *αυτακρατωρ* draweth nigh to *αυτοκρατωρ*, yet is there some difference between them. But how they differ, as also how *Aristotle* in this place is to be understood, you have at length exprest afterward. Now *Aristotle* for his saying assigneth many causes, amongst which these be, *ὅτι τοὺς οὐρανίους, ἡ τοὺς ἀνθρώπων*, either by gathering people together, or by purchasing a Kingdom. *Polit. 3. cap. 10.* Now *Brutus*, as is reported, did both these: And consequently, we need not scruple to say, that he had a full and absolute power. We dare not say so much in behalf of his posterity, and those who immediately succeeded him. Heroleine then was upon the declining hand, and withall, the people were not so much engaged to them as to *Brutus* himself. And, after the Line of *Brutus* was ended, it is reported, that *Corboadannus* K. 28. was deposed by the people, which could not have been, if he had had an absolute and arbitrary power. *Emarius* K. 34. when he had tyrannically reigned seven years, was deposed. *Chiremlus* K. 45. through his drunkenness reigned but one year. Whereupon we may very probably conclude, that from *Brutus* unto *Cassius*, who was subdued by *Julius Caesar*, the English Kings were not absolute. 2. As it was from *Julius Caesar*, unto *William* the Conquerour. As for this time, there may be something said for the absoluteness of the English Kings. If we speak of those Kings whom the *Roman Emperours* deposed, it is likely, they had an absolute power by derivation from the *Roman Emperours*, as had *Harold* from *Antonin*, and the *Roman* *Donat* *John* and *William* from *Donat*. And whereas the English were subdued by the *Normans* and *French*, I think it no wonder, though then the Kings of England had an absolute

absolute



absolute power, and that which is called *imperium*. We have shewed already, that conquering Kings are all-commanding Kings. See. *Covel.* 1. 4. And those who are acquainted with the *English History*, do know, that from *Cassivelaunus*, unto *William* the Conquerour, the Kingdom of *England* was never free, either of intestine or of forraigne wars. It was no time then for exercising Laws to the full against any, much lesse Kings. There were some of their Kings at that time, to whose conduct and valour the *Englishes* were much engaged, in maintaining their Liberties, and withstanding the force and fury of the common Enemy. No wonder, though such, by way of gratification, were invested with a full and large power. Others again were meer Conquerours, or else deputed by the Conquerour. And so we think, there was reason for it, why such were clothed with an absolute and plenary power: for then the Kingdom of *England* was not under Kings, but under Masters. And what can Masters do, but lord over their servants? All that while the Kingdom of *England* was an unsettled Kingdom, and could scarcely be called its own. Which maketh me in reason conclude, that then there was little time left for exercising Policy: and putting Lawes in execution. This *Polydorus Virgilius* telleth in a word, whereas he saith, that before *Henry 1.* there were few Conventions made by the Kings amongst the people, for ordering according to Law the businesse of the Kingdom. *Angl. hist. lib. 11.* Although in an absolute notion *impossibile*, we may say, that from *Brutus* unto *Cassivelaunus*, and from *Cassivelaunus* unto *William* the Conquerour, Kingly Government in *England* was non-absolute, and without full power; yet we cannot say so in a relative notion, as afterward shall appear.

3. As the Kingdom of *England* was about the dayes of the Conquerour, whether a little before, or afterward, unto this time. We deny not but under the reigne of the Conquerour himself, Regall Government in *England*, was of a most absolute and arbitrary power. In this we take *Salmasius* by the hand. He needed not *Def. Reg. cap. 8.* to have troubled himself to have cited any Authors for proof thereof: Very reason it self teacheth the point: for he subdued *England* by strength of hand. But sure I am a Conqueror may dispose upon a conquered Kingdom, according to his pleasure. It is an act of favour in him if he do not destroy all, much more

as an absolute Lord to rule over all. In the *interim* I desire *Salmasius* to take a view of *Polyd. Virg. Angl. hist. lib. 9.* where he shall find the point evidenced to his heart's desire, beyond any Historian he citeth. Although in this we go along with him (as we must needs do) yet notwithstanding we cannot say so much, whether concerning *Edward* who preceded, or those who succeeded him. Let it be so, that those who succeeded the Conquerour, had the same priviledges which the Conquerour did arrogat to himself. Yet can it not be denied, but according to *Edward* the Confessour his Lawes, or as they are called, the ancient Lawes of the Kingdom, Kingly Government in *England* is regulated, and not absolute. We make the point good from these reasons. Firstly, because according to these Lawes the King of *England* is not hereditary. And therefore we read not, that ever *Edward* did tie the Crown of *England* to Royall succession. I confesse, it is alledged, that he promised the Crown after him to *William* the Conquerour, (who was of neer kinned and great credit with him) if he had not children of his own. But this is not only improbable in it-self, but also it is so judged. And why shall we think otherwayes of it, seing the Conquerour came not to the Crown of *England*, by blood-right, but by meer Conquest, having the whole Kingdom of *England* against him? And *Polydore* saith, *Hinc colligere licet, vel Edovardum non servasse fidem Gulielmo, quam à principio de hereditate regni, non (sibi) considerate dedisset, --- vel nullum (quod verisimilius est) fuisse promissum. Angl. hist. lib. 8.* This he gathereth from that which *Edward* spake to *Haraldus*, whilcas he prayed G O D, that either he would avert the coming of *England* into the Conquerours hand, or else that he would keep him back from it so long as he lived. Therefore to me it is more then apparent, that the Confessour did not in his Testament assigne the Conquerour to the Crown, albeit *Salmasius* alledgeth the contrary, *Def. Reg. cap. 8.* What? Doth not *Polydore* tell us, that because *Edgarus* was of young and tender years, he was not admitted by the people to reigne? And fearing lest the Conquerour should succeed to the Crown, they rejoyced greatly, that *Harald* took upon him to reigne in *Edward's* room: Whereat (as may be learned from *Polydore*) *Edward* was not displeased himself, but very well satisfi-

fied that *Harald* should succeed to him. Whereupon we fear not to say, that not onely the power of enkirging was in the people's hands, but also, that the Confessour did not promise the Kingdom to the Conquerour after him, although the contrary be alledged. And is it likely, that the people would have so much declined and withstood the Conquerour, if *Edward* had assigned him to the Crown, as his heir? No verily; for they adored him as their Law-giver. It is known, that *Rufus* was but third son to the Conquerour, and yet he was created King. Him the people preferred before *Robert* his eldest brother. What? Would they have done so, if blood-right, by the Law of the Kingdom, had been the title to the Crown? No verily: It is remarkable, that *Rufus* was ordained King, and it was not so much as objected, that *Robert* was elder then he, he being but the third son to the Conquerour, and *Robert* being the eldest. Yea, *Rufus* dying without children, they appointed *Henry*, the Conquerours fourth son, King; as yet passing-by *Robert* the eldest. And (which is more) though *Henry* 1. had left in his Testament, his daughter *Matbildis*, together with her sons, as heirs of the Kingdom, yet notwithstanding the people created *Steven*, Nephew to *Henry* 1. By the authority of Parliament it was ordained, that *Steven* so long as he lived, should enjoy the Kingdom of England, and that *Henry* 2. son to *Matbildis*, daughter to *Henry* 1. should succeed to *Steven* in the Kingdom of England, passing-by any that was begotten by *Steven*. Likewise the people created *John* King; although *K. Richard* (dying without heirs) had left *Arthur*, son to *Gaufredus*, who was elder then *John*, heir to the Crown. I might speak more for clearing this purpose, but I forbear, judging this sufficient. Whence it is more then evident; that the Crown of England, since the dayes of *Edward* the Confessour, by no Law of the Kingdom, is hereditary. I confesse, since that time, now and then, the Kings eldest son did succeed, and was holden as Heir of the Kingdom. But this was onely by custome, through favour of the Race, in which, according to the manner of Nations. (which I must needs call an abuse) very ordinarily the first-born, is preferred as the onely lawfull Heir of the Crown. Therefore seing the Crown of England since that time hath not been (at least, precisely) hereditary; to me it seemeth very probable, that for that time it hath not been absolute  
and

and arbitrary, for so the original and fountain power of enacting is in the People's hands. And consequently in this respect, the People are simply above the King, as the cause is simply above its effect. Philosophers say, That *causa est nobilior suo effectu*. And so, seeing the King of England dependeth from the People; no question, they have simply a power over him; and not he an absolute power over them.

Secondly, Because, according to these Laws, the liberty of the subject is vindicated, and the Prince is subjected to Law. Because in Henry 1. his time, a Parliament was holden. At which time Parliamentary Power by the Law of the Kingdom was declared the Supream and highest Authority: for any thing of weight was referred to it. So that whatsoever was done, either by the command of the King, or of the People, it was holden null, unless it had been ratified by the Parliament. In it every one, whether King, or other Members thereof, have alike and equal power of speaking. And withall, nothing spoken in it is of validity and force, unless it be concluded on by the major part, together with the approbation of the King. *Polyd. Ang. hist. lib. 11.* It is observable, That by the authority of the Parliament it was ordained, That *Steven* so long as he lived, should remain King of England, and that *Henry 1.* afterward should succeed him. By whose mediation and authority, the debate between *Henry* and *Steven* touching the Crown, was decided. And, I pray you, how could these things have been, unless the Parliament had been above the King?

*Inst. 4.* But (saith *Salmasius*) the power of convoking, and dissolving the Parliament, belongeth to the King of England. The power of the Parliament is extraordinary; and procuring. But the power of the King is ordinary and perpetual. And likewise, the King of England in Parliament, hath a negative voice. And therefore in many Acts of Parliament, he is called the King and Lord of the Parliament, and what is ordained, is enacted in his Name. And so (saith he) though the King of England doth all according to the Laws of the Kingdom, and concurrence of his Parliament, yet notwithstanding, he is an absolute King. Otherwise the Kings of the Jews had not been absolute, who had power to do nothing without the consent of the Sanhedrim. And *Alexander* had not been absolute, who could not be reconciled to *Vashti*, because the Law dis-





nor any other Magistrate, could do any thing without their advice and counsel. Ergo, seeing whatsoever the King of *England*, or any other of that Kingdom, did in old, was to no purpose, without the authority and approbation of Parliament, without all controversie the King of *England* was subjected to the Parliament. *Salmasius* concludeth the King to be above the Parliament, because he alledgeth, the Parliament can do nothing without the King. Why may not I then conclude, the Parliament to be above the King, because *re ipsa*, and according to the Law of the Kingdom, the King can do nothing without the authority and consent of the Parliament? Where then, I pray you, is the King's negative voice? There is not a Member in Parliament; *cui aqua loquendi potestas non competit*. So saith *Polyd. Angl. hist. lib. 11*. What? Do you imagine, that ever the Parliament could by their authority have drawn-up the foresaid agreement, between *Steven* and *Henry 2.* unlesse they had had power above the King? What they did therein, was a direct acting both over *Steven* their present King, and *Henry 2.* their future King. But, will you tell me, whileas the States of *England* did seek of *K. John*, to be governed by the ancient Lawes made by *Edward* the Confessor, whether or not were these Lawes Acts of meer pleasure, giving the King a liberty to do as he would, either to tyrannize over the people, or not? You can not hold the affirmative, because what they demanded of the King, was to be restored to liberty, & to be freed of tyranny. *Polyd. Hist. Angl. hist. lib. 15*. And if you hold the negative part, then do the ancient Lawes of *England* pull absolutenesse out of the king's hands; and subject him to Law. *Magna charta* saith, *The King can do nothing but by Lawes, and no obedience is due to him but by Law*. And the States of *England* were so far from permitting *John* to rule at randome, and not according to the ancient Lawes of the kingdom, that contrarywise they combined against him, entering in oath together, to pursue him still on, till he should govern according to Law, and establish the ancient Lawes of the kingdom. Yea, albeit that *Pope Innocent* commanded them to lay down arms, and though upon their deniall thereof, they were declared enemies by the Pope, they notwithstanding followed on their purpose, and cryed-out, that they would be avenged by fire and sword, on such a wicked tyrant, who did so much slight the people. Aye, which

In more, they sent into *France*, and from thence brought *Ludowick*, the *French* king's son, and created him king, notwithstanding any thing either *John* or the Pope could do in the contrary. Thus they never reſted, till in ſorrow they brought *John's* head into the grave. Where I pray you is the abſoluteneſſe of the king of *England*, whereas the States would not ſuffer him to govern but according to Law, and in denying to do ſo, purſued him in arms, unkinging him, enkinging another in his room, and bringing himſelf in ſorrow to the grave? This is far from the arbitrary and infinite power of kings, *Salmaſius* ſpeaketh of. And whereas he ſaith, the Parliament is but extraordinary and *pro ſunc*, this is, either becauſe Kings were long before Parliaments; or becauſe the Parliament hath not power to intermeddle in every buſineſſe of the Commonwealth, but is conveened *pro re nata*, for ordering the weightieſt Affairs of the kingdom. If you ſay the former, we do not deny it. We heartily confeſſe, that of all Governments, Monarchy was firſt eſtabliſhed. And *Ariſtotle* giveth the reaſon of it, becauſe ( ſaith he ) in the beginning it was hard to find out many men, fit and able to govern. And therefore neceſſity moved them to lay the government on one: for though in the beginning it was hard to finde out many, yet was it eaſie to finde out one endowed with qualities and gifts for governing. *Polit. 3. cap. 11. lib. 4. cap. 13.* But though this be granted, yet doth it not follow, but Senats, or Parliaments being eſtabliſhed, they have ( even according to the cuſtome of the Nations ) more power then kings, as is ſhewed already. And therefore *Ariſtotle* ſaith in the places fore-cited, that by proceſſe of time, the number of Commonwealth's men increaſing, kings at laſt went cloſe out of requeſt, and were denuded of all power. And *Pol. 3. cap. 10.* he ſaith, that in after-times the power of kings was extremely leſſened, partly becauſe of their own voluntary demitting, and partly becauſe of the people's detracting from their greatneſſe. Nay, any king *Ariſtotle* alloweth, he alloweth no more power and greatneſſe to him, but to be greater and more powerful then every one *ſeparatim*, and many *conjunctim*, but to be of leſſe power and greatneſſe then the people. *Pol. 3. cap. 11.* But I pray you, what is the Parliament, but the Representative of the people? if you ſay the other, we deny it, as is ſhewed already. And it ſeemeth very ſtrange to me, that the Parliament hath not power in ſmall





whole Parliament, ordained. The Scottish parliamentary acts are full to this purpose. But can any therefore conclude, that the King of Scotland is an absolute Prince? No verily. Kings get such honour, and every thing for the most part is enacted and emitted in their name, not because they have power and dignity above the Parliament, but because they are the highest and chiefest Members of Parliament. And let me tell you, people are so much deluded with the greatness of the King, that they cannot give him onely that which is his due, but they ascribe that which is due both to him and Parliament, to him alone. People know better how to idolize Kings, then how to honour them. Yea, people are more ready to obey the King, then the Parliament. And therefore I think, Parliaments that will have Kings for effectuating their purposes, do wisely to emit Acts in the King's name, and let him a-work to execute them. Therefore *Salmafius* shall not need to boast with this, that the King of England is called, the Parliament's Sovereign Lord; and the Parliament, the Councell of the King. The like he will find more then once amongst the Prefaces and Acts of the Scottish Parliaments. Yet he, or any for him, can never prove, that the King of Scotland is an absolute King. He shall therefore do well, (lest he confound things which should be divided) to distinguish carefully between that which the king hath *re tenus*, and what is given to him but *nomine tenus*. And so he will find, that though the king of England hath as much *nomine tenus*, as if he were an absolute Prince, yet *re tenus* he is subjected to Law.

And whereas he alledgeth, kings may governe by advice and counsell of Parliament, and yet may be absolute, and have a negative voice, the like say I too. But he shall give me leave to say, that such have not such a vast power as he talketh of, as afterward is shewed. I confesse, the examples of *Abusurnus* and *Cambyses* are to the purpose, though the man fail a little concerning the acts of the kings of the Jews, as afterward is shewed. Howsoever, though I grant this, yet shall he never prove, that the King of England, according to the Law of the kingdom, is an absolute Prince, and hath a negative voice in Parliament. He can never shew me, that the king of England had the same power which the king of Persia had.

Thus, After the Conqueror (That *Salmafius*) to Rufus, Henry 1.  
Steven,

Steven, Henry 2. and Richard 1. did remain purum purum Monarchicum, the power of even-down and unmixed Monarchy. And though (saith he) in the reigne of King John, that power was lessened, yet was there nothing derogated from the King's supremacy and absolutenesse, remaining unviolated, untill the perjured English rebels at this day have altered and diminished the just greatness of the King of England. Def. reg. cap. 8.

*Ans.* I admire that this man knoweth nothing, but to rail on them whom he knoweth not. Well, I cast him over into GOD'S hands, and fall to examine what he alledgeth. Sure I am, notwithstanding all his railing, it cannot abide the touch-stone: It is known to be a manifest lie which he alledgeth, concerning the immediate successors of the Conquerour. It is reported in even-down terms, that these kings (of whom *Salmasius* expressly speaketh) esteemed *Norman Laws* established by the Conquerour, too rigorous and unjust. And therefore, before they got the Crown, they promised to the people to abrogate them, and in place of them, to establish the Laws of the Confessor. Yea, every-one of them promised more then another, and to keep themselves within the bounds of Law, to the very heart's desire of the people. This was not only promised by themselves, but also by others in their name. And unlesse they had so promised, they could never have gotten the Crown. They got it upon the expectation of the accomplishment of their promise, as the *English Histories* do abundantly storic. And it cannot be denied but *Henry 1.* did give the *Englishes* a free Parliament, and made it the government of the kingdom. So that he is called the first king in *England*, in whose time the power of Parliament was established. And as for *John*, it is very well known, that because he did not stand to his oath and promise at his Coronation, for establishing the ancient Laws of the kingdom, but endeavoured to governe after the manner of the Conquerour, in an arbitrary and loose way; therefore the people rose-up in arms against him, and dethroning him, did set-up another in his room. And whereas this man saith, that the ancient Lawes of the kingdom did not derogate from the supremacy and absolutenesse of the king, the contrary of that is already proved. It seemeth strange to me, that he is not ashamed to affirm, that what Laws were established by *Edward* the Confessor, and granted by *King John*, were preserved

served inviolable to this day, derogating nothing from the absolute-  
ness of *John's* successors. Who knoweth not, that the liberties of  
*Magna Charta*, and *de Foresta* subject the King to Law? And  
because that *Henry 3.* did not stand to the maintenance thereof, af-  
ter he had given his Oath at a Parliament at *Oxford*, to maintain  
them inviolable, therefore the People took up Arms against him,  
till after many debates between them, they caused him often to pro-  
mise, that they should be inviolably observed, as well by him, as  
by all other. Thus they tied, not only him, but also his heirs, to  
govern according to the ancient Laws of the Kingdom. And because  
*Edward 1.* did act against these Laws, following the counsel of *Pe-  
ter Gaveston*, and the two *Spencers*, therefore he was imprisoned  
and dethroned, after several conflicts between him and the People?  
Tis remarkable, that the People refused to crown him, till firstly  
he did put *P. Gaveston* from him. And likewise *Edward 3.* was  
deposed, after he had reigned two moneths and eleven dayes, and  
was obscurely buried in the Tower of *London*. Where then, I pray  
you, is the absoluteness of the King of England?

*Inst. 6. Under Edward 4.* (saith *Salmasius*) it was enacted,  
That the King might erect a publick Judgment-seat, by his Les-  
ters patent, in any part of the kingdom he would. Under *Henry 7.*  
it was enacted and declared, That the King had a full power in all  
Causes, in administering Justice to every one. In the first year of  
*Edward 6.* a Statute was made, declaring, all authority, both Spi-  
ritual and Temporal, to be derived from the King. *Def. Reg.*  
*cap. 1.*

*Ans.* I must needs say, This hath more colour of probation,  
then any thing the man as yet hath objected. But notwithstanding  
this he will do well to observe this distinction. 1. What is given to  
the King by way of complement and Court-expression. 2. What  
is giving to him in reality and by way of action. The truth is, in the  
first notion there is as much ascribed to the King of England, as if  
he had been indeed an absolute Prince. On him you have these  
Court-Epithets; *The King of the Parliament, The sovereign Lord  
of the Parliament.* Yea, and the Parliament is called, *The Parlia-  
ment of the King.* He is called, *The Original both of Spirituall  
and Temporal power; having full power over all causes and persons;  
and to erect Judicatories in any part of the kingdom, where he  
pleaseth.*

*pleaseth. This is spoken. But what then? Examine the matter e-*  
*right, and you will find it but spoken. What? cannot Court-Para-*  
*sites, and flattering Councillors passe a fair compellation upon their*  
*Prince? Is the least thing they can do, to bring themselves in cre-*  
*dit with him. Read the Parliamentary Acts of Scotland, and you*  
*will find just as much spoken, if not more, of the King of Scotland,*  
*In Parl. 18. Jam. 6. Act. 1. & 2. James 6. is called, Sovereign*  
*Monarch, absolute Prince, Judge and Governour over all Estates,*  
*Persons, and Causes. And yet who dare say, but the King of Scot-*  
*land, according to the Law of the kingdom, is a regulated and non-*  
*absolute Prince? But according to the second notion, let us exa-*  
*mine the strength of these Epithets. And so in the first place we fall*  
*a-discussing particularly these three Sanctions, of which Salmasius*  
*speaketh. The first saith, That the King by his Letters patent may*  
*erect Court-Judicatories in any part of the Kingdom, where he*  
*pleaseth. This will never conclude, that the King of England hath*  
*an absolute power. This Act only speaketh of his power of calling*  
*inferiour Judicatories. What is that to the purpose? The King of*  
*England had power to call and dissolve the Parliament, the highest*  
*Judicatory of the Land. Yea, Henry 1. did ordain and constitute*  
*the Parliament. Yet notwithstanding that, (as is shewed already)*  
*the King of England cannot be called absolute. The King of Scot-*  
*land hath power of giving-out Letters of Caption. Parl. Jam. 2.*  
*chap. 12. Courts of Regalities are justified by the King's Justice,*  
*chap. 26. And the Parliament petitioned the King to cause execute*  
*the Act anent the Establishment of Sessions, for executing Justice*  
*chap. 65. The power of the Colledge of Justice is ratified and ap-*  
*proved by the King. Jam. 5. Parl. Edinb. Mar. 17. 1532. But*  
*who will therefore call the King of Scotland an absolute King?*  
*The second Sanction giveth the King full power over all persons,*  
*and all causes. But I pray you, doth this give the King power over*  
*the Parliament and Laws? No verily. It only giveth the King*  
*power over all persons and estates, separatim, but not conjunctim,*  
*as conveened in parliament. Which cometh just to that which A-*  
*ristotle saith, alledging, that the King hath power over all, severim,*  
*but not conjunctim. Palis. 3. cap. 11. And he is said to have a full*  
*power, not because his power is absolute and boundlesse. Verily,*  
*it must not be taken in a simple and absolute notion, but in a rela-*  
*tive*



give and comparative sense. It doth not imply the exemption and immunity of the King from Civill and Politick subjection to Law; But at the most it pleadeth for exemption to him from forraigne power, and subjection to forraigne laws. This is evident by comparing this sanction under Henry 7. with *stat. 18. Rich. 2. ch. 5.* Where it is declared that the Crown of England is free without subjection to any other Crown, but is onely subject immediately to GOD in every thing which relateth to the managing of it's Affairs. The like is spoken Henry 8. *Par. 24.* So we find the like fullnesse of power pleaded for to the King of Scotland. I T E M. It is thought expedient, that since our Sovereign Lord hath full jurisdiction, and free empire within his Realm, that his Highnesse may make *Notares, and in time to come, that no Notares made nor to be made by the Emperours authority have faith in Contrastes Civill, unless be approved by the Kings highnesse.* Jam. 3. *parl. ch. 38.* This exemption is pleaded for to the King of Scots, from subjection to the Imperial Lawes. But who, I pray you, for this will conclude the King of Scots to be an absolute Prince, having immunity and freedom from all Lawes, whether municipall and Country Lawes, or sordisick and forraign? And as for the third sanction, the words whereof be these, *Omniem autorisatam spiritalem et temporalem derivant a Rege*, you shall be pleased concerning it to observe this distinction. There be two termes in the act it self, one concerning temporall, and another concerning spirituall power. We begin at temporall power. The King may be called the originall of it two wayes. 1. Formally, i. e. as if all temporall power were therefore authoritative and juridicall, because of the Kingly power, it being only in it self essentially authoritative and commanding. This we deny to be the sense of the sanction, in respect of temporall power. It is not onely repugnant to *Magna Charta*, the ancient Lawes of the Kingdom, the nature of Parliaments appointed and ordained in Henry 1. his time, to the oaths and promises of *Refus*, Henry 1. & their successours to act and govern according to Law, but also to the ordinary practices of the Estates, who in maintenance of their Liberties and the ancient Lawes of the Kingdom, did rise in armes against their Kings, and called them, stiled they willed they to subject their necks to the yoke of Law. Amongst other of their practices, this is very remarkable; that albeit they had saluted *Ludwick* as their King, and put him in the room of *John*, yet notwithstanding in the end they declined him; and in his stead crowned *Henry 3.* *John's* sonne. This speaketh much of the States power above the King. 2. *Formally*. It cannot be denied but in this notion all temporall power dependeth from the King. And in two wayes, *essentially*, and *accidentally*. *Essentially*, because the King of England hath not onely power of convening & dissolving the Parliament, of ordaining inferior judicatories, but also by his own Parliament he England was fully constituted and or-

dained. Indicatively, because it was his part to patronize and execute  
the Acts of Parliament, at least as the main and prime man, of main-  
taining and defending them. The like power the Kings of Scotland had,  
also as is clear from their Acts of Parliament. But as for the spirituall  
power of the King of England, I stand not much to confesse that he had  
a formall and Ecclesiastick power in Church matters; and that what  
power the Church (so called) had was derived from him. It cannot  
be denied, but before the conquest there were Ecclesiasticall Lawes made  
by many Kings of England, as Inas, Alfred, Edward the elder, Guthrum,  
Ethelstane, Edmund, Edgar, Etheldred, Canutus and others. In the te-  
terim this Gentleman shall do well to observe, that the King of England  
had not alwayes this power. It cannot be denied but *Lamfrancus*, *Willel-*  
*selmus*, and *Berket* going to complain on their Kings and Governours,  
firstly brought the Pope's judiciall authority from Rome into England,  
both over King and people. Which supremacy of the Pope over the  
Church of England untill in and about Henry 8. his dayes, who  
did shake-off the Pope's yoke, did continue. And so Edward 6. succeed-  
ing to him; to me it is more then probable shau by the foresaid Consistorie  
made in his time, the ancient power of the Kings of England in Church  
matters was taken out of the Pope's hands, and put upon the King. And  
it cannot be denied, but according to *Edward*, the Confessor's Lawes;  
the King of England had a primary formall and Ecclesiastick power in  
Church matters. I stand not to grant that. But what though I should  
say, that according to this Statute made in Edward 6. his time, the King  
of England had a primary and originall powers, and that *formally*, both  
in respect of spirituall and temporall jurisdictions; yet will it easily con-  
clude an absolutenesse of the King according to Lawe but not against it.  
It no wayes denudeth the people of a forme or power to defend them-  
selves against the unjust decrees and actions of the King. The Roman  
*dictator* had an absolute power in judgments; and yet it was lawfull for  
the people to repeal his acts in their own iust defence. Many times have  
the People of England defended themselves from their King and bleeding  
their own liberties notwithstanding the Kings fasting against them.  
What I say now is a forme to say that the King of England by this  
act is called the originall both of spirituall and temporall power, unless  
a formall notion is to be not called also the King and Sovereign Lord of  
the Parliament? Is not the Parliamento called his Parliament? Is he  
not ever yetting ordained a God appointed ruler in his name? Is it not  
ordinarily said, His Majesty doth hereby assented unto this Bill? Is he  
deemed the Prince of Wales? Is he very commonly called, It is his Highnes the  
King of England? Is not his Majesty what he himselfe be Comed out  
Plenarie? They are words, and nothing but words. Only considering  
with the practice of the Parliaments, and none other substance could suffi-

contrary to the other. No wonder forsooth, because the King getteth more honour then he hath power. This is, and you will find it an ordinary practice. Aye, which is more, cannot a corrupt Parliament through the defection of the times give the King more then what is due to him, either by the Law of GOD, or by the law of the Nation? Know we not that *Parl. 18. K. Jam. 6.* through the backsliding of the times did advance him to greater priviledges then the King of Scotland by the Law of the Kingdome had, or can be warranted by the Law of GOD? Indeed, I will not say so of *Henry 8.* for it is known that in his young years he did put the managing of the Kingdom into the hands of the Princes, as did others of his predecessors before him, And as for *Edward 6.* I must needs say, his times were better then any times of his predecessors. But it appeareth to me, that as both *Henry* and he have encroached very far upon the liberties of the Church (so called) so did they encroach too far upon the liberties of the State. But leaving *Henry*, of whose power I find not so much spoken as of *Edward*, I must tell you one thing concerning *Edward*, and it is this. Those who write of him, and namely *Foxe*, do crie him up beyond all the Kings of England, for piety, wisdom and learning. And *Foxe* runneth so far out in his commendation, that he esteemeth him inferiour to no King, though worthy to be preferred to many. Whereupon he seareth not to match him with *Josiah*, and put the qualifications of both in one ballance. Which maketh me imagine that the foresaid act emitted in Parliament under *Edward's* reign, did passe in his behalfe, because of his personall endowments. The like act upon that same ground, (though in respect of him it was meerly pretended, without any reality in his person) did passe *Parl. 18. upon K. Jam. 6.* Thus the case is extraordinary. We deny not but because of personall endowments Kings may be, and have been advanced to greatest power. What? will this conclude an ordinary precedent thereof, and a standing law therefore? No verily. There is no consequence from extraordinaries to ordinaries. The standing ancient lawes both of *England* and *Scotland* are against absolute Princes. Of *Scotland* and of *England* we have spoken already at length. Verily the example of *Edward 1.* though there were no more, may serve to clear our purpose. He, to repair what was done amisse by his father *Henry 3.* (who was at variance with the people touching the liberties of *Magna charta*, and *de foresta*) did much gratifie the people; restoring them to great liberty, and abrogating all lawes which did make for the bondage and slavery of the people. Howsoever the matter be *five sic, five non*, these sanctions above-cited by *Salmastius*, do conclude the Parliament to have power above the King. The reason is, because if we look precisely on these acts, what power the King hath is from them. They not onely declare, but also they enact and ratifie his power to be such

such. And so the king's power is the creature of the Parliament, depending from it as the effect from the cause. But sure I am, *causa est nobilior suo effectu*. And consequently, if the king hath an absolute power by vertue of the Parliament, then must the Parliament's power be more absolute; for *propter quod unumquodque est tale, illud ipsum est magis tale*. And *nemo dat quod non habet*.

Inst. 7. *Bractonus* (saith *Salmasius*) doth averre, that the King hath power over all that is in his kingdom. And that those things which concern peace and power, do only belong to the Royal dignity. Every one (saith he) is under the King, and he is inferiour to none but to GOD, as reason requireth. In power he ought to be above all his subjects: for he ought to have none like him, nor above him in the Kingdom. De Angl. Monar. lib. 4. cap. 2. sect. 1. lib. 1. cap. 8. & lib. 2. de Reg. in Rich. 2. stat. 18. cap. 5. it is said, *Corona anglie libera fuit omni tempore, & non habet terrenam subjectionem, sed immediate subdita est DEO in omnibus rebus, & nulli alteri*. Act. 24. Parl. Henr. 8. *Regnum anglie est Imperium, & ipsa ab ore suo acceptum*. Act. Parl. 24. Henr. 8. *Quod hoc tuae gratie regnum nullum superiorem sub DEO, sed solum tuam gratiam agnoscat*. *Fait, & est liberum a subjectione quacunque legum humanarum*.—Cap. 9.

Ans. We stand not to glosse *Bractons* words. He lived in *Henry 3.* his dayes. And finding the King and States at variance about superiority, as a Court-parasit, he wrote in behalf of the King, as Royallists do now-a-dayes. He did just so as they do now. *Bracton* had that same occasion of writing in behalf of the King, which *Salmasius* hath to-day. As the late King was at variance with the people of England, for claiming absolute power over them, so the controversie stood just so in *Bractons* time between *Henry 3.* and the people. But I pray you was it not as free to *Bracton* to flatter *Henry*, as for *Salmasius* to flatter *Charles*? Leaving this man to himself, I hasten to examine the strength of these Acts which *Salmasius* citeth. And in a word, they do not plead so much for the absoluteness of the king, as of the kingdom. They do not speak de *Rege Anglie*, of the king of England, but de *corona*, or *Regno Anglie*, of the Crown or kingdom of England. Howsoever, none of them doth speak for immunity and exemption to the king of England, from municipall, but from forraign Laws: And therefore they declare the Crown of England to be a free Crown, and subject to no other Crown; and the Kingdom of England to be a free kingdom, subject to the Laws of no other kingdom. I confesse, they declare the king to be above the kingdom, and inferiour to none but to GOD. Which is true indeed, taking the kingdom in *esse diviso*, but not in *esse conjunctum*. Indeed, the King is above all in the kingdom *separatim*, one by one. And in this respect he is inferiour to none but to GOD, though taking the kingdom in a collective body, he be inferiour thereto.



Inft. 8. In the first year of James his reign in England, the Parliament acknowledged him to have an undoubted title to the Crown by blood-right, and therefore they did swear allegiance both to him and his posterity. Whereupon Camdenius saith, that the King of England hath supreme power and meer empire. De Brit. lib. And Edwardus Cokius saith, That according to the ancient Laws of the Kingdom, the Kingdom of England is an absolute Kingdom: Wherein both the Clergy-men and Laicks are subjected immediately under GOD, to their own King and blood. Cap. 9.

Ans. As for that concerning James, we make no reckoning of it: He was declared the righteous and undoubted heir of the kingdom, through the defection and back-sliding of the times. What other Kings of England hinted at before, that he did execute. Because he became King of Great Britain, and entered the kingdom of England upon blood-relation; therefore flattering, Malignant and Antichristian Counsellours did declare his title to the kingdom of England to be of undoubted hereditary right. I pray you, friends, were there not Malignants then, as well as now? I may say, there were more then, then now, at least they had greater authority then what Malignants have now a dayes. And tell me, do not Malignants at this day make use of the King's pretended greatness and hereditary right to the Crown of Britain, for cloaking their knavery, and effectuating their malignant purposes? Do not you imagine, but Papists and Malignants in England had that same reason for them, to make use of *James's* power? What I pray you, is the over-word of Papists and Malignants in Britain to day? The King, say they, is the undoubted heir of the kingdom, and absolute in power. Who then should rise against him? This is even the most they have to cloak their knavery, and to cast a lustre upon their Antichristian and malignant endeavours. Do you imagine that the devill was sleeping in *James's* time? No verily. And there had nothing been done these twelve or thirteen years by gone, whether against State or Church, but what was moulded then. The very plat-form of all was cast in his dayes. By the *Scottish Parliament* his power was declared absolute: And by the *English Parliament*, his right to the Crown of England was declared undoubted and hereditary. They stood not to swear obedience to him and his posterity into all ages. And how far on he drew the power of Episcopacy, and how much he acted for intruding the Masse. Book upon the Kingdom of Scotland, is more then known. Many wars, and many Pains in his dayes were imployed for carrying-on and effectuating malignant & antichristian designments, as is a child to object from the practice of the *English Parliament* in *James's* time. He may as well object for evincing his purpose, from the practice of the Parliament holden at Oxford, by *Charles*. And if he doth either of them he doth nothing but beggeth the question. He telleth us that the Parliament

## Concerning the Commonwealth

Raiment of England R. James on, I. declared and enacted his right to the  
 Kingdom of England to be undoubted & hereditary. Well, I can tell him  
 that William the Conquerour the Normane-Lawgiver, doth devile to the  
 King of England any such title or claim to the Crown. *Diadema regale*  
 (saith he) *quod nullus antecessorum meorum gessit, adeptus sum, quod divi-*  
*na solummodo gratia, non ius contulit hereditarium, — Neminem Angliæ*  
*regni constituto heredem, sed æterna conditoris, cuius sum, et in cuius manu*  
*sunt omnia, illud commendo, non enim tantum decus hereditaria jura possedi,*  
*sed direo inflicto, et multa effusione sanguinis humani, perjuro Regi Haroldo*  
*Æstali, et interfectis, vel fugatis fautoribus eius dominatus meo subegi, Camd.*  
*Brit. chorogr. descr. which he citeth out of hist. de monast. Steph. Cadom. in*  
*Norm. l. c. I have acquired the Royall Crown, which none of my*  
*ancestours did bear, which the grace of GOD alone, and no heredi-*  
*tary right bestowed upon me, — I confesse, no heir of the English*  
*Kingdom, but I recommend it to the eternall Creator, whose I am, and*  
*in whose hands are all things: for I did not enjoy such a honour by he-*  
*reditary right, but by dire conflicts, and great effusion of mans blood*  
*I took it from the perjured King Harold and subjected it to my dominion;*  
*having killed or put to flight his favourers. Thus Salmasius may see that*  
*he buildeth hereditary right to the Kingdom of England upon a sandy*  
*foundation, in pleading for the undoubtednes thereof from what right*  
*the Conquerour had over it. Let it be so, the Conquerour himself had*  
*right to it by the sword, yet in his fore-going latter, will he shakeeth all his*  
*successors loose of any right to it by succession and casteth the disposition*  
*thereof wholly over upon GOD and the people. Whence was it that*  
*(as is said already) the people did create Rufus king in his room, and*  
*passed-by Robert his eldest son. This remarkable, that no where it can*  
*be read that the Conquerour did tie the Crown of England to his poster-*  
*ity. Salmasius cap. 8. maketh a fashion of proxying it out of Adambric-*  
*richs, Huntingtoniensis, and other English historians, who say nothing*  
*but that the Conquerour subdued England, and caused the people swear*  
*allegiance and fidelity to himself. No other thing can be read in them.*  
*And no-where can Salmasius find it, that ever he did tie the people of*  
*England by oath, both to himself and his posterity. Neither can Salma-*  
*sius conclude any thing from these Historians, directly. He concludeth*  
*that but by the way, because of the Conquerour's full and absolute*  
*subjecting of England to himself, as indeed these Historians do report.*  
*Yet friend, this is but a stolen dint. You lose more then you gain*  
*by it.*

As for Camden he cannot be of Salmasius judgement, unless he con-  
 tradict himself. From him we have said already, that the power of the  
 Parliament is above the King. Therefore whereas he saith, that the King  
 of England hath *supremam potestatem, et merum imperium*; it cannot be  
 understood

underhood of the kingdom taken in a collective body, And it is true indeed, taking the people *separatim*, one by one, the King of England is above them all, and inferior to none, but to GOD. And in this sense he speaketh well, *nos prius Deum superiorem agnoscat*. In this sense the latter part of those words is to purpose. Because of his superiority the 24. Part of the 18. petition is granted a fair complement upon him, saying, that the Kingdom of England doth acknowledge none superior to himself GOD but his majesty, and that it is governed by no Laws, but what were made within himself by the tolerance of him, and his progenitors.

*Per solus autem suus gratia illi non imperantur, et non debent, ita haec non potest esse nisi per suam voluntatem.* This founded no absolute and effective, but permissive and approbative power in the King. Well, let us pass the former part of those words, do not speak of the abatement of the King, but of the kingdom of England. *In regnoque basis regum quodammodo est, ut in illis regibus visum est imperium per deum.* There is a difference made between the King's power and the kingdom's power. So much as England's power, *regis potestas* is distinguished from the

We come now to the next room to demonstrate the King of Scotland, according to the Law of the Nation, to be a regulated and not absolute Prince. This is clear, that he need not seek any thing of us. And it is constantly proved by our gaily & dear Country-man, *Bar. Res. quæst. 43.* that no man in it carries beyond him. Therefore we shall only glance at it by comparing in some few particulars the *Scotlandian* kingdom with the *Servish*, in subjecting their Kings to Laws, as the *Scotlandians* do, and did every thing according to Law, *per legem, non per vim*. The King of Scotland had power to do no other ways. In the Parliament of 1560, the Nobility said frequently to the Regent, *Regem Scotiam imitatione imperium, nec uisum ad hunc libitatem, sed ad legem imperium.* *Et nobilitas consensum, Regi Scotiam, Scoti Regem, non debent, sed debent, etiam in 1570.* concerning *Q. Mary*, that was practiced by *abolition*, who did all by the Parliament, *per legem, non per vim*. Whence the kings of Scotland had no power to do any thing without the advice and counsel of the Estates. They had no power to abrogate Laws, according to their pleasure. This my dear Country-man proveth at length in the place above cited, in the *utrimque* along with you that decree made in *Primum*, *respo.* his *immo*, *20.* That no king should exercise any power of government but by the authority of Parliament, and that they should not take in the Republic by private and domestick council, nor the business of the king and publick should be managed without advice of the others, *ad statum* by the *legem*, without the orders of the fathers, times





branch of Royall Government. Of this we have spoken already at very great length. The second kind he calleth *berill* and *despotick*. Such kind of Monarchy (saith he) was in *Asia*. And albeit he saith, that under such kind of Royall power, the people lived as slaves and servants, yet withall he telleth us, that the government was carried-on and administred according to the Laws of the kingdom. We stand here a-little, to illustrate this by example. v. g. The *Median King* had an absolute power over the *Medes*. Any thing the Kings of the *Medes* decreed and enacted, was unalterable. Because of the vastness of their power, the wicked Presidents obtained a Decree from *Darius*, That none should make prayer to any, save to the King, for ~~thirty~~ *thirtie* dayes. *Dan. 6.* And yet notwithstanding, *Darius* had not power to recall his Decree after it was made, albeit he laboured till the going-down of the Sun to revoke it. *Ibid.* The King of *Persia* was an absolute Prince, *Esth. 1. Dan. 6. Herod. lib. 3.* And yet notwithstanding *Abasuerus*, not only in divorcing *Vasthi*, did call a Councel of wise-men, experienced in the Laws, but also he submitted himself to their determination, *Esth. 1.* And albeit he desired through the abundance of love he did bear to *Vasthi*, to be recnociled to her, yet could he not recall the Divorcement, because the Law made against it, *Ioseph, Antiq. Jud. lib. 11. cap. 6.* I deny not but the *Persian Kings* had an arbitrary power in making Laws. Yet being made, they had not power at their own pleasure to recall them. Their Laws were irrevocable, *Esth. 1. Dan. 6.* And consequently, though their power was absolute in making Laws, yet was it limited in abrogating them. They had power to make them, though not to break them. 'Tis observable, that *Cambyses*, a most-wicked and tyrannous King, desiring in marriage his german-sister, called a Councel to consult thereabout. Albeit he had an arbitrary power, to do what he listed, yet went he not about that matter, *brevi manu*, but sought and followed the advice of his Counsellours therein. And at this day there be many Kingdoms, wherein Monarchy and Regal Government is of this same stamp and tenour, as namely amongst the *Turks*. The third is elective and *symmetick*. This kind of Monarchy also *Aristotle* calleth *κατα νόμον*. This he illustrateth by the example of the *Mitylencans*, who elected *Pittacus* to reign over them. Truly, for my-self I do imagine, that they did give *Pittacus* an uncircumscribed power, because of his personall endowments, to govern as he pleased. Therefore they did not restrict him to govern according to the Law of the Kingdom, but voluntarily submitted themselves to Laws of his making. They did not tie him by Law to them, and in this his power was illimited and without bounds. Yet in so far as they conferred absolute power upon him, but as because of his personall endowments, he would undoubtedly govern according to Law; in so far his power was limited and circumscribed. See *Gyraldus, de vit. Pittac.* And *Diog. Laert. de vit. Phil. lib. 1. in Pittac.*

The like power did the *Athenians* also offer to *Solon*, as is above said. The fourth he referreth to Monarchy, as it was in the dayes of the *Heroes*. This kind of Monarchy he calleth also *αγαθὴ βασιλεία*, *Pol.* 3. cap. 10. and cap. 11. he calleth it a Regall power restricted in some things, *ἐν τινὶ περὶ τινος*. And what these things be, he hinteth at cap. 10. saying, that they had not power over the sacrifices, which concerned the Priesthood, and that some of them were either tied by oath to the people, or by lifting-up the scepter, to govern according to Law. Thus it is manifest, that all the four kindes of Monarchy *Aristotle* speaketh of, which were set up in old, one way or other are limited and subjected to Law. But concerning the fourth kind, which was in the dayes of the *Heroes*, we must stand a-little here. Hence the question ariseth, whether or not doth *Aristotle* refer this fourth species of Monarchy to the *Heroes* without exception? We shall not stand much upon what may be *Aristotle's* mind in this matter. It appeareth to us, that he is in this indefinit. I confesse, his words with a distinction may bear a good sense. Yet I must needs say, that neither in this, nor in the third species, the man is clear: for, I take him to be summing up all the ordinary species of Royall power. But either he erreth, or else he confoundeth in the third and fourth species, both ordinary and extraordinary kindes of Royall power, together, taking them both under the same power and notion. And in this he erreth also. But that we may clear our purpose, the Reader shall mark this way of differencing the species of Monarchy one from another. Generally it is divided into ordinary and extraordinary Monarchy. In an ordinary acceptation it is pambasilick, and non-pambasilick. In this sense *Aristotle* is to be understood, as we conceive. And so the pambasilick Monarchy (i.e. which hath a power over all things) relateth to the fifth species of Royall power, which *Aristotle*, *Polit.* 3. cap. 11. superaddeth to the four foresaid species thereof. And the non-pambasilick (i.e. which hath not a power over all things) is relative to these foure species above-written. Each of them (according as both *Aristotle*, and example teach) is either one way or other, limited and kept within bounds. And afterward we shall also shew it from reason itself. But observe by the way, that the third species of Monarchy in this sense, cannot be illustrated by the example of *Pisacus*. What power was laid upon *Pisacus*, as is shewed already, was done in an extraordinary way. Now *Aristotle* in this species, cannot confound that which is ordinary and extraordinary together, and illustrate them both by one and the same example. As for the fourth species taken in this sense, I do verily imagine, that his words deserve a distinction. Whereupon the question may be moved, whether or not doth *Aristotle* by *αὐτοκρατορία*, (which he maketh the fifth species of Royall Government) understand an all-commanding power, according to Law, or both according to, and against Law? It cannot be imagined, as afterward shall appear, that *Aristotle* understandeth an all-commanding power above Law. Therefore is it, that *Polit.* 3. cap.

10. he interlatheth the fifth species of Monarchy with the fourth. Without any clear and formall distinction, as he doth *cap. 11.* he passeth from the one to the other, in a continuat way, linking the one with the other. And so taking up the fourth and the fifth species, under a continuat notion, we easily resolve *Aristotle's* meaning by this distinction. In the former part of the fourth species he averreth, That Monarchy in the dayes of the Heroes, was in some things restricted, wanting this *παραβασιλεια*, an all-commanding power. And in the latter part of it, he saith, that in ancient times kings had that which is called *παραβασιλεια*. Verily, the man in this is very cryptick and unclear: He speaketh of the dayes of the Heroes indefinitely. So doth he of ancient times. But opposing ancient times to the dayes of the Heroes, they can be relative to no times, but to the golden age; which was immediatly after the Deluge about 131 years. All this time, as is shewed already, there was not so much as any politick government at all. And to this Age immediatly succeeded the time of Heroicisme. *Nimrod*, and many other heroick Blades immediatly after that Age, did break forth, who erected kingdoms, and did many valiant acts. And if we speak of the ancient times before the Flood, we find also (as is shewed already) that contradistinguishing ancient times from the time of Heroicisme, there was no kingly power set up, till men of renown and heroick spirits did erect it about the 1556 year of the world. And all the while before, which was the Golden Age before the Flood, there was no kind of Politick government at all, as is shewed already. So then, whether before or after the Flood, the times of the Heroes did immediatly succeed to the ancient times. And as in the ancient times there was no Monarchy or Regall power, so it was firstly erected and set-up by the Heroes. Therefore you may see that is very hard to purge *Aristotle's* meaning in this from error. Yet for respect I bear to the man, I will put upon his words the best sense they can bear. And so I suppose, that he referreth both the parts of the fourth species to the dayes of the Heroes. Now, it cannot be denied, but even amongst Heroes of the secondary kind, there was difference of power, some being of a more intense, and some of a more remisse power. No question, those of them who in respect of time were prior to others, were also in dignity and power, prior to them. I cannot think, but how much more Regall power was in request, so much more the power of it was extended. Therefore was it, as is shewed already, that some kings were altogether illimited and uncircumscribed in power. But in the fore-times of Heroicisme Monarchy was more in request then in the after-times thereof. And consequently these ordinary Heroes, who had the first start of time, before others of that same kind, were of a more vast and intense power then they. As they were superiour to them in time, so likewises in power. In this sense *Aristotle's* words hold good, if he refer the former part of the fourth species to the after-most times and ultimat center of Heroicisme, and the latter part to the prior, though not to the first times thereof. You cannot say, that the

the former part is relative to ordinary, and the latter part to extraordinary Heroes. It is already proved by us, *Concl. 1.* That extraordinary Heroes had more then *παμβασιλεια*, an all-commanding power. They had *δυσταμιν διατητικην*, an arbitrary power, to do what they listed. These two *Caligula*, speaking of himself to *Antonia*, pertinently distinguisheth. -- *Remember* (saith he) *that I may do all things, and that I have power to do so all men, what I please.* *Sueton. in Calig. cap. 29.* Thus he putteth a difference between *παμβασιλεια*, an all-commanding power, and *παμβουλεια*, an all-willing power. And beside this, even ordinary Heroes, namely the founders of primary Colonies, had an absolute power without al restriction, *Con. 2.* Where also is shewed, that Heroes in after-times, as founders of after-Colonies, had an absolute power, though not so intense and uncircumscribed as founders of primary Colonies. Such indeed had power to do all things, though not to undo all things. And so, according to the rules of proportion, as the after-Heroes were of lesse power then the former, so the last of them had lesser power then any of them. *Aristotle* saith, That at last the power of Kings became exceedingly lessened. This was after the flower of heroicisim was quite faded. This could not be at the first, but hath come on by degrees. After *παμβουλεια*, which the erectors of primary Colonies had, in-stepped *παμβασιλεια*. Which *Aristotle* saith, was in ancient times: i. e. in the times of the after-Heroes, in and about the dayes of the founders of the secondary Colonies. And then toward the close, or in and about the middle time of Heroicisim, the Kingly power in some things became restricted, as *Aristotle* saith: And so he subjoyneth, that at last it became exceedingly lessened. Now you see, that in reason no better construction can be put upon this fourth species of Monarchy, assigned by *Aristotle*. And for reverence of the man's memory. I suppose, that the third species of Royal power, is taken by him, both in an ordinary, and extraordinary acception. And he only illustrateth it, as it is taken in an extraordinary sense, because that way it is more material then the other way. He passeth the illustration thereof, as it is taken in an ordinary notion, because so it is not only lesse material, but also that way it is more clear then the other way. Or I may say, that *Aristotle* confoundeth these two notions together, because comparatively asymmettick Monarchy taken in an extraordinary notion, may be called ordinary. The reason of this is, because men at least may be, because of personal endowments, more frequently called to govern in an absolute and ordinary way, then for extraordinary Heroicisim, and such like. Howsoever, this I know, that *Aristotle* reckoned-up no other kinds of Monarchy, but such as have power to, and do govern according to Law. But these, who are advanced to an illimited power, because of personal endowments, are not precisely called thereto to govern, whether according to, or against Law. That doth militate against the ground and motive of their call. They are no otherwise called to govern according to their pleasure, but as people expect, their will shall bring forth the choicest Laws. Whence precisely



precisely and formally, their power both according to the subject and object thereof, is restricted and kept within the bounds of Law. But we cannot say so of absolute Monarchy, acquired and conferred by extraordinary heroicism and such like. And consequently we may very justly say, that *Aristotle* referreth absolute Monarchy, obtained because of personal endowments, to the third species of Regal government, and doth not refer absolute Monarchy because of extraordinary heroicism and such like, to any species or kind of Monarchy he speaketh of. The reason we say, is this, because any kind of Monarchy he speaketh of, doth not exceed the bounds of Law. But illimited Royal power conferred, because of extraordinary qualifications, precisely and formally doth not exceed the bounds of Law. Whereas being conferred upon grounds of extraordinary heroicism, purchase, and such like, precisely and formally the power thereof out-reacheth all Laws. Thus we judge *Aristotle's* mind to be cleared concerning all the species and sorts of Monarchy summed-up by him.

I confesse, *Salmasius* imagineth that *Aristotle*, by Pambasilick, or all-governing Monarchy, doth mean arbitrary Monarchy, having power to govern at random, either according to, or against Law. But the Gentleman in this is a little mistaken: for otherwise in the moulding of the King, he had not required such conditions and limitations as he doth. Which be these. 1. That he should descend of such a race, which in vertue and goodness should exceed all others, *Pol. 3. cap. 12*. Whence is it, that both there, and *Polit. 1. cap. 3*, he saith, that the best, according to nature, over-ruleth that which is worse, and lesse good. 2. That the King himself should exceed the rest in vertue and goodness. Yea, but for a King to govern according to his own hearts lust, even against Law and Reason, there is no necessity of vertue and goodness, seeing illegality and injustice flow from a vicious and corrupt principle. Therefore *Aristotle* in opposing Monarchy, or Government laid upon one, to Government carried-on and managed according to Law, doth not insinuate an arbitrary power in the King, having immunity and freedom from Law; but in so doing, he only opposeth the power of Government laid upon one, to its power being laid upon many, implying, that as in this respect the Governour is subject to the rest, and cannot act any thing of Law without their consent and assistance; so in the other respect the Governour in carrying on things according to Law, hath immunity from subjection to any other beside, and in doing things legally may perform them without the interposition of any other man's authority. Whence we see that *Aristotle* alloweth an absolute power in the king to act according to Law, but not to act either according to Law or against it. And therefore in so far he taketh these by the hand, who deny

Monarchy to be according to nature, in as far as they contend, that to be against Nature, which is against Law. Which maketh him conclude, Tyranny to be against Nature; it being against Law and Reason. And consequently he doth not allow arbitrary power in the king, to do either good

or

or bad according to his pleasure. He only pleadeth for power to the King, which is according to Nature, Justice and Utility. He will have him a man excelling others in virtue, and governing according to Law. Βασιλευ-  
 τον μὲν οὖν ὑπερέχει κατ' ἀρετὴν καὶ ὁ ὕμνοιας πολιτικῆς, ποτὶ τοὺς ὅς  
 πλὴν ὁ ὑποτακτικοὺς ἀρχεῖν καὶ ὁ ὕχειν κατὰ νόμον τῆς κατ' ἀρετῆς. Pol. 3,  
 cap. 12. Moreover, it is contrary to the nature of the word *παμβασιλεια*,  
 which Aristotle expresseth, cap. 11, to render it an arbitrary power. There  
 is a very great difference between *παμβελησις*, and *παμβασιλεια*. Howso-  
 ever he expoundeth it himself, cap. 10, and defined it to be a power *κατὰ*  
*παλαιοὺς καὶ νεωτέρους καὶ παρὰ πόλιν*, to govern the City, and all the Publick  
 matters, whether at home or abroad. Thus the man speaketh of a govern-  
 ing power. But arbitrary power is a misgoverning power. He speaketh  
 of a power ordering and doing all things. But arbitrary power is a power  
 of misordering and undoing all things. It doth not follow, that because  
 kings of old had power over all things, *ergo* they had power to dispose on  
 them according to their pleasure. *Quasi vero* there were not an all-command-  
 ing power, according to Law. This consequence doth not immediately  
 follow from the Antecedent. It is a fallacy *ab homonymia*: for there is a two-  
 fold all-commanding power, one according to, and another above Law.  
 'Tis therefore a poor shift, to conclude an arbitrary power from an all-  
 commanding power. The original *παμβασιλεια* doth bear an arbitrary  
 power, only by way of analogy. And it is known, that the Roman Dicta-  
 tor had *παμβασιλεια*, an all-commanding power, though not *παμβελησις*,  
 an all-willing power. Well, let it be so, that Aristotle saith, that kings in  
 ancient times had an arbitrary power, a power above Law. But I pray  
 you, what kings then doth he understand? Either they are the Founders  
 of the primary Colonies, or the after-Heroes and Founders of the second-  
 ary Colonies. If of the first kind, *ergo* you gain just nothing. We have grant-  
 ed that already, *Concl. 2*. Their power was extraordinary. If of the second  
 kind, we might also therein take you by the hand. Howsoever with some  
 distinction or other you have our mind cleared in this *pro*. Therefore how-  
 soever you understand the latter part of the fourth Species, I lose nothing.  
 If you say that Aristotle only meaneth in it an all-commanding power ac-  
 cording to Law, then do I gain my purpose. And if you suppose his mean-  
 ing to be otherwise, you learn from what foregoing, that I lose nothing.  
 Thus the case is extraordinary. And I deny not but Royal power that way  
 hath been arbitrary. Yet you cannot deny, but the first, second, third and  
 fourth (or the former part thereof) Species of Monarchy, do not speak a  
 word of Royal power above Law.

Although Aristotle's words may bear this construction, yet do we judge  
 it were corresponding to his sense and meaning, to put this sense upon  
 them. In the former part of the fourth Species he contradistinguisheth the  
 times of the Heroes from the ancient times, which he expresseth in the lat-  
 ter part thereof. But the one being opposed to the other, if we speak rigo-  
 rously

roughly and properly, by the ancient times can be nothing understood but the golden age: which after the flood (Ethnick Writers know no time before the flood) lasted, as some say, 250 years, and as others say with better warrant, 131 years. All which time, if we speak properly and rigorously, there was no kingly government at all: for, as is shewed already *Concl. 2.* there was no government then but natural and economick. *In qua nulla ferente legem, natura ipsa vivebatur.* -- *Mnes. Ptoem. Damasc. lib. 77. bist. Archil. de temp.* Notwithstanding this, I do imagine, that *Aristotle* opinionatech, there were Kings in the golden age. *Fuerat enim antiqua Civitatum* (saith he) *gubernatio, rationabiliter, paucorum & regibus Politis.* *Idem. 2. 2. 3.* So say *Sallust. conjur. Catel.* and *Trogus, or Justin. bist. lib. 1.* Indeed these two do diametrically oppose the ancient times to the dayes of the Heroes: for they contradistinguish them from the times wherein the *Assyrian monarchy* took its beginnings. Which was the very first birth of heroclime. And yet they say, before this time *Imperium penes Reges erat.* What is meant by these *Reges*, *Fabius Pictor* explaineth. *Principes* (saith he) *quia iusti erant & religionibus dediti, iura habiti. Dii & dicti.* *De aur. soc. ere. lib. 1.* And yet in the preceding words he saith, *Ea aetate nulla erat monarchia, quia mortalium pectoribus nondum haeserat ulla regnandi cupiditas.* Therefore by these *Reges*, and *Principes*, can be nothing else understood, but the fathers and heads of the chief families, as *Shem, Japhet, &c.* over all whom *Noah* did rule as a common father. And it cannot be denied, but such had *παύσασις*, an all-commanding power: yea, and *παύσανος*, an all-willing and arbitrary power. *Concl. 3.* which maketh *Trogus* say, *Principio rerum, arbitria Principum pro legibus erant.* *Lib. 1.* This was because those Fathers and Princes did not only stand in order to the People, as natural fathers to natural children, each of them being by the intimate bonds of Nature tied to other, (which maketh *Aristotle* compare the fifth Species to economick and paternal government) but also because they did far go beyond their people in the matter of qualification. Yet we must not imagine that this arbitrary power which they had was so, precisely and formally. If we speak rigorously, arbitrary power conferred because of intimate and natural relations, and personal endowments, is rather limited then illimited: for as the grounds thereof tie the people to all due obedience and subjection, so they tie the Prince to every due and lawful way of governing, and that in a most intense and extraordinary way. Therefore speaking precisely *Aristotle's* *παύσανος*, all-commanding power, doth not include *παύσασις*, an all-willing and arbitrary power. But let it be so, that *Aristotle* speaketh of an arbitrary power given to Princes and heads of chief families, yet can it be no other wayes understood, but as it is already explained by us, *Concl. 3.* Which speaketh nothing, but of an arbitrary power, in an extraordinary case. But ab extra ad ordinis ad ordinaria, non est sequela.

As *Aristotle* is very unclear in the latter part, so is he likewise intricate in the former part of the fourth species. In it he saith that the Kings in the

in the dayes of the Heroes were in some things limited and did govern according to the Law. This indeed deserveth a distinction. No question extraordinary Heroes and the founders of primary Colonies had a vast and arbitrary power, *concl. 1. and 2.* What power other Heroes had, I stand not much on it, to determine. Yet I may very conveniently use those distinctions which are expressed, *concl. 1.* But for further clearing this point, we shall stand here a-little to illustrate by Example all these wayes Aristotle setteth down in the former part of the fourth species, whereby heroick Kings came to their Crowns. In summing them up we shall observe a more exact and resolatory method then Aristotle doth. (1.) By gathering people together and planting Colonies. Which is considered four wayes. Firstly, by way of lot and division. Thus the primary Colonies were planted. And no question the founders of such had power to govern at randome, *concl. 2.* Secondly by way of donation. Thirdly, by way of subordination. Fourthly, by way of purchase and acquisition. Though we cannot be of Aristotle's minde in respect of the founders of the first sort of Colonies, yet in respect of the second and third, we may take him by the hand. And notwithstanding this, we may very probably conclude either of the parts, whether by granting or by denying, the arbitrariness of the founders of these Colonies. Howsoever concerning all the four sorts you have our judgement expressed, *concl. 2.* (2.) By way of battell. Firstly, by way of regaining. So did *Dionysius, Hercules, Bet. lib. 5.* and *Orestes, Dict. de bel. Tro. lib. 6.* Secondly, by way of conquest. So did the extraordinary Heroes, as is shewed already, *concl. 1.* Ordinary Heroes who subdued Kingdoms be these. Amongst the *Assyrians, Arius, Balus, &c. Berof. ant. lib. 5.* Amongst the *Grecians* the *Heraclids* who subdued *Mycene*, and *Alcmeon* who subdued the Kingdom of *Thebes. Diad. lib. 5. cap. 4. and 6.* (3.) Because of the benevolence and bountifullnesse of ancestours. So *Crana* and *Craneus* were dignified with the swaying of the Scepter; amongst the *Razenues*, because of the singular benevolence and courtesie of *Janus* their father toward the *Italians*. For the same reason also *Thuscus*, son to *Hercules* the *Egyptian*, was graciously admitted by the *Arniates, Libarnites, Musarnites*, to reign over them. *Berof. ant. lib. 5.* (4) By cunning and art. This may be taken two wayes. Firstly, as it implieth a conferring of the Kingly power, because of engine and invention. Thus the *Thebans* advanced *Oedipus* to reign over them; *Sophocles* in *Oed. tyr. Diad. lib. 5. cap. 6.* Secondly, as it implieth a cunning and subtil way of obtaining the Kingdom. So *Camesteneus* obtained the Kingdom of *Bactria, Ber. lib. 5.* and *Neoptolemus* acquired the Kingdom of *Theffaly*, which belonged to his father *Achilles, Dict. Cret. de bel. Tro. lib. 6.* (5) By acquisition. This is taken three wayes. Firstly, by way of emption. Thus *Agamemnon* obtained the military power over all the *Grecian Princes* in the *Trojan expedition*, by letting-out amongst the Souldiers a huge masse of money, *Dict. Cret. lib. 1.* Secondly, by way of compensation. So *Antenor* was created King of *Dardany*



dany, in compensation of his pains in betraying Troy to the *Grecians*. *Dict. Cres. de bel. Tro. lib. 5. Dar. Pbr. de exc. Tro. lib.* Thirdly: by way of meer purchase and simple acquisition. Thus did *Aeneas* acquire *Methia* with its Continent. *Dict. Cres. loc. cit. salust. conjur. Catel.* So did *Iohannes* purchase a Kingdom to himself in *Sardinia*. *Diod. lib. 5. cap. 2.* These things being thus illustrated by example, I do nextly desire the Reader carefully to distinguish between extraordinary and ordinary Heroes, and between those of them who were in the precedent times and those who were in the subsequent times of Hereticism. For my self I cannot say, but extraordinary Heroes at least and the founders of primary Colonies, were invested with a vast and arbitrary power. But as for the ordinary Heroes, and the after-founders of Colonies, I am contented with *Aristotle*, to say, That their power was hemmed-in by the hedges of Law. We find several examples amongst the after-heroes to this purpose. *Priamus* was not only withstood by his own subjects, who did steal *Helen*, but also what he did therein either firstly or lastly, was according to the advice and counsel of the Senators. *Dict. Cres. de bel. Tro. lib. 1. & 5. Dar. Pbr. de excid. Tro. lib.* And though *Dares Phrygius* reporteth, that *Priamus* determined and voiced otherwise then they who followed *Antenor* and *Aeneas* (who appear to us to have been the major part of the Senat; for we gather from both these Historians, that not only the greatest part of the Senate, but also the whole body of the People were for the concluding and drawing up peace with the *Grecians*. I confesse *Dares Phrygius* in plain terms saith that *Priamus* voiced against peace, and truce taking-up with the *Grecians*, and what he voiced was established and holden as a thing concluded-on by all. Indeed: he carried it contrary to all who opposed him, as *Dares* will have it. Yet *Dicys* sheweth the just contrary, and saith, that *Priamus*, followed the advice and determination of the Senat. And indeed *Q. Calaber, lib. 1. et* and *Trophiator, de lib. exc.* insinuate no lesse: for they observe *Dicys* way, which he hath in storying the *Grecian stratagem* which ensued upon terms of peace concluded-on between the *Trojans* and *Grecians*. Howsoever, albeit I think my self rather obliged to incline to *Dares* relation, yet lose I nothing thereby, if I do so. I am not of that opinion to think, that *Priamus* was so hemmed-in by Law, as the *Barbomonian King*. Let it be so, he had a negative voice in Senate, as *Dares* insinuateth; yet sure I am, none will say, that the Senate was a cypher, having no authority at all. You will learn from these fore-cited historians the contrary of that. And in so far as *Priamus* did act according to the advice & counsel of the Senat, in as far he did act according to Law. Thus he did not simply act according to pleasure, and in an arbitrary way. No verily. In this power was somewhat limited. And this is all that both *Aristotle* and we do crave. And so we must not think but *Nations* was some way or other regulated by his Princes and Rulers, as you may read, *Han. odys. 8.* And how much *Aegemonius* was subjected to Law, is shewed

already. Of him is made good, that which Aristotle speaketh, of the tying of the King to the People, by the elevation of the Scepter as by Oath and Covenant. *Hom. Il. 2. Alex. ab Alex. lib. 5. cap. 10.* We need not think it strange to say, that in the dayes of the Heroes Kings were somewhat subjected to Law: for not only *Agamemnon*, but also *Theseus*, were no lesse subjected to Law, as is shewed already, then the *Lacedemonian kings*? 'Tis observable, that *Orestes*, son to *Agamemnon*, and King of *Mycene*, was judged and absolved by the Councel of *Areopagus*. Him *Mneftheus*, son to *Theseus*, and King of *Asbens*, could not get let free, till firstly he was examined by the *Areopagites* whom *Diclys* calleth most strict Justiciaries, *de bel. Tro. lib. 6.* Mark, that the *Mycenan King* was judged by the *Athenian Judicatory*. Then tell me, seing a King of another Kingdom in the dayes of the Heroes was subjected to the Law and Judicatory of *Athens*, shall we not think that Kings in those dayes, in some things at least, were restricted and subjected to Law? Verily this is an argument from the greater to the lesser. But hear what *Alexander ab Alexandro* saith, *Tantique Areopagus fuit, ut Heroas & semideos illuc in iudicium advocatos dicerent, & Pisistratus in eo iudicium subire non dubitavit. lib. 3. cap. 5. i. e.* And *Areopagus* was of such power, that they cited into judgement the Heroes and Semidei, and *Pisistratus* doubted not to undergo judgement there. And I would have Royallists to observe, that in this matter I give them more of their will then Aristotle doth: for according to this last sense and exposition, his words insinuate, That all Kings in the dayes of the Heroes in some things were restricted. Yet we say, that many of them had a vast and arbitrary power. Yea, in the latter part of the fourth species he saith, That Kings in ancient time had but *παμβασιλεια*, an all-governing power. But we go further-on with the Malignant, and say, That they had *παμβουλια*, an all-willing power. Yet precisely and properly, their power was but *Pambasilick*, an all-governing, and not arbitrary and illimited.

We shall stand here a while, to speak of the Kingdom of *England*: for it is not only the chief subject of our discourse, in order to which we drive all that we speak, but also it falleth-in here by a string-line. Already we have spoken of it at length, from the dayes of the Conquerour, or a little before, until now. It therefore remaineth, we speak of it, as it was from its beginning unto the reign of the *Normans*. And so we consider it under these notions. I. As it was in its first beginning and original. And though I will not say, that *Britain* was inhabited so soon as other Kingdoms, which lie in, and about the middle and chief part of the Earth. No question, such parts were firstly inhabited, as both history and reason doth teach. Yet I may very conveniently say, that the chiefest Kingdoms, and those which lie next *Armenia*, being planted, after people were extremely multiplied on the earth, they did seek out to inhabit the uttermost Isles of the world. There was a physical necessity for this. People daily multiplying

riplying could not dwell all in one part, but of necessity they behoved to depart one from another, for residence sake. Yea, there was a moral reason for it also. No question, desire of great lands and possessions, so soon as people were greatly multiplied on the earth after the flood, could not but set them a-work to seek out the remotest parts. This is confirmed by what the holy Ghost saith: *The sons of Japhet, Gomer, --- by these were the Isles of the Gentiles divided in their lands, every one after his tongue, after their families, in their nations. Gen. 10.* I pray you tell me, whileas the holy Ghost speaketh there indefinitely of the Isles of the Nations, if he doth exclude the Isle of Britain? What more reason is there to exclude it then any other? And for my self I think, there is more reason to include it then any of the rest. Firstly, because it is the chiefest Isle in the world. And therefore in it self the more delectable, and the more to be sought after. Secondly, because Gomer, whom Berosus calleth Comerus Gallus, did come into Italy, and erected Colonies there, *Ant. lib. 5.* Now tell me, is it not most probable that Gomer did translate Colonies from Italy into France, and from thence into Britain, every-one of them lying contiguously one with another? We find as much in his name as pointeth out this. For Gomer signifieth to end. And is not Britain (as it were) the last center and extreame part of EUROPE? Berosus giveth him a surname, calling him GALLUS. Now the Frenches are called Galli. And Gallus cometh from *gala*, milk. But the Frenches are called white of fair in respect of other nations which lie nearer the Sun. But Britain was called Albion, which signifieth whitenesse. And thus very appositely it partaketh of the signification of Gomer's surname. And why shall we not think, whether France or Britain one way or other, have their denomination from the names of their first founders, as well as other nations and kingdomes have their names from the founders, who firstly erected them? *V. G.* Israelites from Israel, *Asyria* from *Assur*, *Media* from *Medus*, &c. Camden largely disputeth for the plantation of Britain by Gomer. But the man is somewhat intricate, and confused in it, alleadging that the originall of the Britains is as it were derived from the Frenches. I will not deny, but Gomer hath sent Colonies firstly to France, it lying next to Italy, where Gomer himself took up his residence. Yet I may say, that he did send Colonies nextly into Britain, which is adjacent to France. Verily, he might have *simul*, and *se-mel*, translated Colonies into both: for as France is next adjacent to Italy, so Britain is next adjacent to France. I cannot imagine, that Britain lying so near Italy, that ever Gomer would have left it unplanted, till by the multiplication of Colonies in France, people out of France had been translated into Britain to plant it. Howsoever I stand not on this, but sure I am, both Frenches and Britains have their originall from Comerus Gallus, as Camden very notably and at length proveth. *Brit. Chorog. deser. Albeij Cesar, de bel, Gal, &c. Diodore, var. ant. lib. 6.* imagine, that the Britains

be *europa*, *as* *aboriginis*. Thirdly, because *Theophilus Antiochenus* saith, *Cum in praeis temporibus*, --- *bomines*, --- *post linguarum divisionem* *aucti* *et* *multiplicati paulatim sunt*, --- *nec prius deserant terram ubique*, *occupare*, *quam essent ad Britannias*, *in arctis climatibus accesserint*. 1. c. When in ancient times --- men, --- after the division of tongues, increased and multiplied by little and little, --- neither did they leave off to possess and take up the earth every where, until they did also come into Britain, situated under the Pole Arctick. In this notion I take, Britain to have been under *Gomer* as its King and *Saturn*. And so I conceive, he had an arbitrary power over them. *Concl. 2.* But what Government they had amongst them after *Gomer's* death, cannot be determined. Yet in all probability they had no Kingly Government amongst them till *Brutus* dayes. And in respect of this time, *Dio Nic. ex Xiphi. epit. de Brit.* saith very pertinently, *Apud hos populus magna ex parte principatum tenet*. And *Camden* noteth, That as the *Frenches*, so the *Britains* in old were not governed by one, but by many. So say *Cæsar*, *bel. Gal. lib. 1. & 5.* and *Pomponius Mela, de sit. Orb. lib. 3. cap. 2. & 6.* But I take all these to speak of the Government amongst the *Frenches* and *Britains* as it was immediately before the conquest of *Julius Cæsar*, or at least as it was from the first beginning of these Kingdoms until his dayes. Howsoever, you will do well to observe with me, that in old, *France* was divided into three parts, according as *Cæsar* and *Mela* do story. But *Berosus* divideth it into two parts, the one he calleth *Gallia*, and the other *Celte*. But for reconciling these divisions, you shall know, that *Berosus* speaketh of a more large division then they do. He contradiistinguisheth these three Kingdoms one from another, *Italy*, *Celte*, and *Gallia*. The inhabitants of *Italy* he calleth *Comari*, from their King *Comerus*. The inhabitants of *Celte* he calleth *Disceltes*, or *Celtes*, whose first King (saith he) was *Samotes*. The inhabitants of *Gallia* he calleth *Galli*: for (saith he) *Comer's* nephews did so call them from his surname, *Gallus*. This insinuateth, that *Comer's* nephews sent out with Colonies from him, did firstly plant and inhabit *Gallia*. Which maketh us conclude, that *Gallia* includeth both *France* and *Britain*. No question, the inhabitants of both in old have been called *Galli*, from *Gallus*, the surname of *Comerus*, seeing both of them were alike planted by him and his posterity. We need not think it strange, to say, that both of them do pass under the same epithet and notion: for the *Frenches* are called *Cimbri*, as *Valerius maximus*, *Cicero*, and *Appianus* say; and *Comeri*, as *Josephus*, and *Zonaras* teach. So the *Britains* are called *Cimbri*, changing *C*, into *B*, and *Cumeri*, changing *G*, into *C*. They are so both called from *Gomer*, or *Comer*, the name of *Gallus*. And consequently, seeing they both have one common epithet from his forename, why may they not also passe under one notion, and be called *Galli*, from *Gallus* his surname. I will not much contend, whether the *Frenches* or *Britains* had Kings after the dayes of *Comerus* and his nephews, or not. And if they had any since I am, they were governed



governed by more than one. No question, the Land in both was divided into divers Satrapes. So we find the Kingdom of *Italy* in old, to have been so divided. Yet we do not think, but amongst those Satrapes there hath been one greater than any of the rest. As no question, in *Italy*, the *Comes* were more powerful than any of the rest of the Colonies and inhabitants of the Kingdom, as you may learn from *Berosus*, *ant. lib. 7*. So amongst the *Frenches*, the chiefest Kingdom was the Satrapie of the *Celts*. Thence it is that *Berosus*, *ant. lib. 5*, doth reckon-up in a catalogue the Kings of the *Celts*, as he doth the *Assyrian Kings*; and *Manetho* beginning where *Berosus* left, summeth-up one by one the Kings of the *Celts*, as he doth reckon-up the *Assyrian Kings*. Thus there is no repugnance between the divisions of *Berosus*, and of *Cesar* and *Mela*; for he speaketh of a general and large division, and they keep themselves within more restricted and narrow bounds. They only speak of the division of *France*, separating it into three parts, *Belgia*, *Aquitania*, and *Celta*. And if we believe them in old, ever unto the dayes of *C. Cesar*, there were three distinct Satrapes, governed by different Magistrates and distinct Laws. The chief people in *Aquitania* were called *Ausci*, in *Belgia*, *Treviri*, and in *Celta*, *Hedui*, *Mel. de sit. Orb. cap. 2*. And the chief Magistracy amongst the *Hedui*, was called *Vergobranus*. With which in *Cesar's* dayes *Drusus* and *Liscus* were invested. Which was a yearly Magistracy, having power both of life and death, as *Cesar* saith, *de bel. Gal. lib. 1*. What the *Vergobran* did amongst the *Hedui*, was done, *comitatus, comon principatus*. Those who were clothed with it as they were annual and but for a time, so they did nothing absolutely and by themselves, but according to the counsel and advice of the Princes. This is far from the arbitrary power that *Salmasius* speaketh-of. Yet we will not say, that the power of the *Celtick Kings* was alwayes so hemmed-in by Law. I do not think but their primary founders, not only amongst the *Celts*, but also amongst the *Aquitani* and *Belgians*, had a vast and arbitrary power. Yea and their after Kings, so long as the flower of Heroicism lasted, had such power as *Aristotle* speaketh-of (and which by us is already expressed) in the fourth species, or in the former part of the fourth species of Monarchy, *Polit. 3. cap. 10. & 11*. And so the flower of Heroicism fading, and Kingly Government wearing out of request, no question, there hath been no more power left in their Kings, than what *Cesar* speaketh-of in the place above-cited. Which cometh just to that which *Aristotle* saith, concerning the detracting from, and dimitting of the power of Kings in after-times, *Polit. 3. cap. 10*. Although we may very justly say, That the Kingdom of *France* was divided into distinct Satrapes, ever until the dayes of *C. Cesar*, yet we dare not adventure, positively to say so much of *Britain*, if we take it by reflection for the Kingdom of *England*. And that this may be cleared, We

2. Must diligently observe the cause and reason, why *England* and *Scotland*

Scotland are called *Britains*. Thus we come to consider *England* in a second notion, as it was in the dayes of *Brutus*, untill in and about the dayes of *C. Caesar*. By the way I must needs confesse, that this is a hard businesse on which I now enter, more difficult to be found-out, then any thing we have spoken to this purpose. The originall of *France* and *Britain*, is very easily learned from *Berof. ant. lib. 5. M. Port. Cat. Orig. lib. 5. linn.* and others. But now *Britain* was secondly inhabited, is much controverted amongst the Writers. Some imagine, that it was secondly planted by *Brutus*, son to *Ascanius*. Of this opinion is *Galfredus*. But this cannot be: for we read of no such man, whether in *Munib. de Reg. Egypt. Semp. de div. Ital. Solin. cap. 1. Marl. lib. 1. cap. 2.* or in any other Writer beside, who speak of *Eneas* and his posterity. Others again imagine, this *Brutus* to have been a *Roman Consul*. Of this opinion is *Gildas*. But for this he can produce no Author. But others think, that he was either *Brito Centaurus*, of whom *Hyginus* speaketh, or els *Bretan*, whose daughter (as *Parthenius* draweth saith) was *Celtice*, on whom *Hercules* begot *Celtus*, the father of the *Celtes*. From him *Hesychius* draweth the denomination of *Britain*. For my self I subscribe to this, albeit I suppose this *Brito Centaurus* to be all one with *Bretan*. Howsoever, if we may give credit to these Writers, *Britain* was secondly inhabited by one named *Brutus*, or *Bretan*, or *Brito*, according to the *Greek*. And why may we not, I pray you, as it were *a posteriori* conclude *Britain* to have been secondly planted and governed by one called *Brutus*, or *Brito*? Kingdoms ordinarily use to derive their denominations from such. To this very pertinently agreeth that of *Sibylla* a most ancient Writer,

*ΕΒΡΥΑΙΟΣ ΒΕΥΤΡΑΥΟΣ, ---*

*ΒΕΥΤΡΑΥΟΣ* signifieth *Brutus*. And I think, the derivation of it very pertinent to deduce it from *Brutus*, as *Media* from *Medus*, and *Gallia* from *Gallus*; And it is observable that she addeth,

*2. ΓΑΛΛΟΥΣ*

The point being thus established, I make no reckoning whether this *Brutus* be called a *Trojan*, or a *Grecian*. And if he was a *Trojan*, then I may justly say, if it be true which *Ammian. lib. 15.* saith, That whileas the *Trojans* came into *France*, they did also come into *Britain*. And that such came into *France*, is confirmed by *Manesbo*, who saith, that *Francus*, about the 9. year of the *Egyptian* dynastie, was created and ordained the *Celtick King*. Him he calleth one of *Hector's* sons. *De Reg. Egypt.* Now, this could not have been, unless (as *Ammianus* reporteth) many fugitive *Trojans* had come along into *France*. And so in all probability, as the dispersed *Trojans* took-up their residence, and erected a Kingdom in *France*, they have done the like also in *Britain*, the one lying contiguous with the other. But for further clearing the point, we must not lightly over-leap that which *Parthenius* saith. The man imagineth, that *Celtus* son to *Hercules*, begotten on *Celtice*, daughter to *Bretan*, was the begetter and founder

of the *Celtes*. Here is need of a distinction. Surely, *Samuel*, as is said already, firstly erected the Kingdom of the *Celtes*. And *Hercules* the *Egyptian* (as *Berosus* saith) coming thorow the *Celtes* into *Italy*, begot on *Galtea* (whom *Niceus* calleth *Celtice*) with the consent and permission of her parents, *Galath*, or, as *Niceus* saith, *Celtus*, who was created King over the *Celtes*. And from him they were called *Galli*. Which, as is imagined, the *Latines* use for *Galata*. Howsoever herefrom it appeareth, that the *Celtes* had not their being, but their name from *Hercules* son. And so reconciling *Parthenius* with *Berosus*, we may call *Hercules* son, *Galath-Celtes*. Whence from his name they were called *Galata*, or, as the *Romans* say, *Galli*, and from his surname *Celte*. Indeed *Berosus* doth not expresse the name of *Galtea*, or *Celtice* her father, unlesse we take *Celte*, who did reign over the *Celtes*, at that time when *Hercules* came along them. Which maketh us opinionat that *Galath*, or *Celtice*, was daughter to *Celte*: for, as *Berosus* saith, with the consent and permission of her parents, *Galath* was born of her, King to the *Celtes*. And who I pray you, had power to put such a disposition and right upon *Galath*, but the King and Queen of the *Celtes*. I warrant you, such a thing standing upon consent and renunciation, without being obtained by strength of Arms, the consent and permission given to *Hercules* son to reigne over the *Celtes*, was not sought from any inferiour, but from him whose interest it was to reign as King. I trow, it stood not upon the consent and permission of any subject, that *Hercules* son should be born King to the *Celtes*. And consequently, *Celte* at this time being King over the *Celtes*, was *Galtea*'s father, by whom it was given, that *Galath* (*Hercules* son) should be born his successor and King after him. Therefore, following *Berosus*, I conclude, that the *Celtes* were so called from *Celte* grand-father to *Galath*, and *Galli*, or *Galata* from *Galath*, nephew to *Celte*, and son to *Hercules*. Yet *Niceus* positively and expressly calleth *Celtice*, or *Galtea* her father, *Bretan*. From whom *Hesychius*, as is said already, deduceth the originall of the *Britanni*. And this being true, it followeth, that *Britannus Brutus* is more ancient then they ordinarily talk of. Although I do fully imagine, that *Britain* hath it's denomination from this *Bretan*; yet I will never think, but *Britain* was inhabited ere ever this *Bretan* was. The *Celtes* are so called from *Celte*, and *Galli*, or *Galata*, from *Galath*. And yet they were a people long before their dayes. Verily, I think it most likely, that *Britain* hath it's denomination from *Bretan*, and was secondly enpeopled by him: for resigning the Kingdom of the *Celtes*, to *Hercules* son his nephew, it is more then apparent, that being a King all his life-time before, for his own honour and advantage, he hath gathered a number of people together out of his own Kingdom, and translated them into *Britain*, and there erected a Kingdom. This was more honorable and advantageable to him, then to live a privat life in subjection to his nephew. What? can it be imagined but desire of wealth and honour

honour both to himself and his posterity, would have drawn him on to such an undertaking. No question, he being a powerful King, and father in law to the great Monarch *Hercules*, on whose son he had conferred a singular courtesie, in renouncing the kingdom to him, did want nothing that conduced, not only for undertaking, but also for effectuating such a purpose. Wanting his own kingdom, *Britain*, a glorious kingdom lying next to *France*, either at that time scarcely enpeopled, or at least filled with men of rude breeding, it cannot come in my mind to think otherwise, but this *Britain* became *Britain* to *Britann*. And thus I take to be true, about whom they controvert so much. Which appeareth with that which is storied, saying, That the *Britains* were a people of *Iesser Britain*, which is in the *Celtick* region, who in old did inhabit the Isle of *Britain*. Whether you shall imagine, this *Britann*, and *Brito*, to be all one, or that the *Trojans* came into *Britann*, whileas they came along into *France*, I remit it to the Reader to judge, as a thing arbitrary and indifferent. And herein I do not condemn the authority of *Virgil*, who called *Britann* *Brute's* Lands. Thus concerning the original of *Britain*, firstly and lastly, I have offered my judgement freely, which being assiduously considered, doth much serve to reconcile all different opinions in this matter. Well, whether you say that *Bretan* came into this Isle with *Bretanes*, or *Britis*, with *Trojans*, (I shall not stand to controvert, if he be *Brito* of whom *Hyginus* speaketh) whileas *Francus* son, to *Hector* came along into *France*, and did reign there, what power they had is already shewed, but namely

concl. 2.  
 It being sufficiently proved, that *Britann* was secondly enpeopled by *Bretan*, and very probably concluded to have been enpeopled the third time by fugitive and dispersed *Trojans*, under the conduct of *Brito*, of whom (as we may probably say, though the contrary may be so holden) *Hyginus* speaketh: It now remaineth to consider what power those Kings had who succeeded *Bretan* and *Brito*. The tract of time which intervened between these two Kings, may be easily learned: for it is gatherable from *Berosus*, that *Bretan* erected his kingdom under the reign of *Baleus*, *R. Assy.* XI. in, or about the fourteenth, or sixteenth year of his reign, *ann. mund.* 2225, or 2227, and *Brito* did set up his kingdom in *Britain* (as may be gathered from *Mabius*) in, or about the first, or second year of *Toutous* reign, King of *Assyria* XXX. in, and about the year of the world 2791, or 2792. Concerning the power of these two Kings we have spoken. And we come nextly to speak of the power of those Kings who succeeded them, untill the dayes of *C. Caesar*. Out of our ancient Writer we can learn in particular what those Kings were. But in the general we learn these two things. 1. That in old *Britain* was governed by Kings. 2. That afterward (though before *Caesar's* time) it was divided into *Satrapies*, and governed by many Princes. We take it upon us, to illustrate and prove both these. The first is evident from *Tacitus*, who

saith,



saith, *Quin Regibus parabantur*. To which he immediately subjoyneth, *Demox per principes factionibus et studiis scabuntur*. Thus he distinguisheth between the condition of Britain, as it was in old, and as it was in, and about his time. In old (saith he) it was governed by Kings, but now being divided into factions it is governed by Princes. And therefore in another place he saith, *a regibus, usque ad principes*. But Salmasius by principes understandeth the Roman *Cæsars*, *De Reg. cap. 8.* He saith (saith he) may elude the Government of England by many. He would have it to passe (if he could get it) that it was never governed but by Kings. It is no wonder that he be blinded in other things, seeing he shutteth his eyes at so cleare a light as this. It cannot be denied, but *Tacitus* speaks of the government of England as it was in old, and as it was in and about his time. 1. Because it is very unlike that ever he would have called the Roman *Cæsars*, Princes. 'Tis an epithet of lesse honour and power then Kings. And so I imagine, that he would rather have called the Kings of England Princes then them. Sure I am, the Roman *Cæsars* were more powerful. & did reign in a more kingly way then the English Kings. 2. Because he contradistinguisheth in positive termes the Government of England, as it was in old, from what it was of late, saying, That in old, Britain obeyed Kings, but now (saith he) it is governed by many, and divided into factions. And *Salmasius* himself cannot get this denied. Of which Princes *Cæsar* speaks himself, *Principes, quosdam conventu, quos, civitate, quos Cæsari commendare cuperunt. De bel. Gal. lib. 6.* 4. Thus the kingdom was delivered up into *Cæsar's* hands, not by one man, the King, but by many, the Princes. And lib. 5. he saith, *Summa imperii bellique administrandi communis consilio permittit cunctis Cæsaribus*. On which words, Camden noteth, That Britain then was not governed by one, but by many, taking that same course by common consent, in choosing *Cæsar* for their General and chief leader to them, as the Frenches did in choosing *Diuitianus* to repel *Cæsar*, *Brit. chorogr. de prim. ital.* But what needeth us to stand here? We shall make it more appear in proving the second particular. The first is also confirmed by the testimony of *Aldus Rex Britannia*, (saith he) *populus regesque populum.* *De sac. Or. lib. 3. cap. 6.* And what power those Kings had, I mind not to say precisely, as it was so restricted as the power of the Lacedæmonian Kings. Neither will I say, that it was so narrow as the power of the English Kings, after the Conquerour. Yet I may justly say, That it was not boundless and arbitrary, as *Salmasius* dreameth of. So saith *His dicitur, et apud ept. Apud hoc populus in parte principatus tenet, i. e. primum est eorum (viz. the Britains) the People in a great part do govern.* This telleth, that in old, even in the time of Kings, in Britain, there was Popular Government. Kings then in Britain were not sole Lords, but the People did govern also. Hence it is, that *Cordillus, iussu populi* was set to reign over the Britains. So *Chlodinus, Populi iussu, Rex dicitur*, *Polyd. Ang. lib. 1.* Because of the People's swaying power of old in Britain, Kingly Government some- what

what before the dayes of C. Caesar, was altogether abrogated, as in part is shewed already. But *Salmasius* shall not think that of old England was singular in this. There were in old other parts in *Brittain*, where the kingly power was limited and hemmed-in by Law. Concerning the *Heduan Isles*, *Solinus* thus speaketh, *Rex unus est universis. --- Rex nihil suum habet, omnia universorum, ad equitatem cerbis legibus stringitur. de ne avaritia diver-  
tat a vero, discit paupertate justitiam, utpote cui nihil sit rei familiaris, cap. 25.* i. e. all of them have one King. --- The King hath nothing proper, all things belong to the people, he is compelled to equity, by certain Laws. And lest avarice should withdraw him from the truth, he is taught justice by poverty, (to wit) as one that hath nothing belonging to himself.

The second particular is manifest from *Strabo*, who saith: *Complures apud eos sunt dominationes, lib. 4.* In the original *dominationes* is *Avaras*, which signifieth Princes or Rulers. Thus they were governed toward his time, by many, and not by one. And *Salmasius* from this is made so to say, albeit he endeavourerh to elude what *Tacitus* saith, *hist. lib. 1.* The words are already cited and vindicated. But *Diodore* is most clear to this purpose, speaking of *Brittain*. *Reges, principesque, ibi sunt plures, pacem inbecem servantes, Her. ant. lib. 6. cap. 8.* But sure I am, *Salmasius* will not say that such had an absolute power over the people. Their Kings had, not such power: Ergo far lesse they. Yea, the *Heduan Vergobres*, who did reign over moe then any of them, had not an absolute and arbitrary power. Which maketh me think, far lesse had they any such power. And tis observable, what they did, was *communi concilio*, *Caesar de bel. Gal. lib. 5.* So much touching the State of England in the second notion, i. e. as it was from the dayes of *Bretan*, *Erito*, or *Brutus*.

3. We come now to speak of England, as it was under the *Roman*, *Saxons*, and *Danes*. As it was under the *Roman* yoke (speaking precisely) England had no Kings but the *Roman* Emperours. And what power they had, is spoken already, concerning the *Roman Dictators*. And as for the power of the *Danish*, and *Saxonick* Kings, in England, no question, they had greater power then any of the Kings of England in old (or since the dayes of the Conquerour, if we except *K. James*. But to say, that their power was boundless and arbitrary, is more then I dare affirm. I will not deny, but the first, whether of the *Danish*, or the *Saxonick* Kings, had that same power, which the Conquerour had over England. As he subdued England, so did they. And it is the Conquerours privilege, to rule at random; Such do ordinarily conquer against Law. And I pray you, why do they not also rule without Law? But that all who succeeded these, had the like power also, I cannot be moved to affirm. It cannot be denied, but even under their reign there were Parliaments and Councils. And I trow they were not cyphers: I might enlarge this, but I judge it needless, for I care not which of the parts be affirmed. Under these Kings, England was not its own, but a subdued, and unsetled Nation. Which maketh me say, that

that it was no wonder, albeit then there was no time for it to exercise the Laws against its Kings. Thus at length I have offered my judgment freely concerning the power of the Kings of England, both of old and of late. And that we may shut up this whole purpose in a word, for cutting-off all that *Salmasius* can object, you shall be pleased carefully to distinguish between extraordinary, and ordinary Monarchy. As for an extraordinary Regal power, which was conferred on Kings, whether for extraordinary heroicism, personal endowments, or such like, we shall not stand to say, that such had not only *παμβασιλεια*, an all-commanding power, but also *παμβαλυσια*, an all-willing and arbitrary power. See *Concl.* 1, 2, 3, & 4. Yet we cannot say so much of ordinary Monarchy, if we look to the precise and ordinary way of the power of Kings. This by example is at length shewed already. And so we come,

*Secondly*, to prove it by reason. Can any in reason imagine, that people, unlesse it be for some extraordinary cause or other, will subject their necks to the pleasure and arbitrement of any? Nay, it is a coming against the hair, for people to resign their liberty into the hands of any man, giving him a full power to dispose upon them at random. It is very observable, That once Kings in *Asia* had not only an all-commanding, but also an all-willing power. So *Nimrod*, *Belus*, *Ninus*, and *Semiramis*, as is shewed already, *Concl.* 1. And yet at last this pambasilick and arbitrary power, turned over into a despotick power, governing *κατὰ νόμον*, according to Law, *Polit.* 3. *cap.* 10. Under these four Kings the condition of Regal power was very extraordinary. And so it was no wonder, though they did reign in an extraordinary way, having more will than other Kings. But the kingdom becoming settled, the power of their successors was hemmed-in. Their wings were a little clipped. And may we not judge so of all other Nations? Verily, I think it holdeth *αμα- jori*; for the *Assyrian Kings* were universal Monarchs, and no kingdom could ever match with the *Assyrian empire*. Which makes me imagine, that as the Kings of the *Assyrian empire* in an ordinary and settled case were reduced to Law, far more in that respect hath the case of other kings been such. And withall observe, there was a time when Regal Government was much in request. It was much cried-up in the dayes of Heroicism. And that rather in the flower and beginnings, then in the fadings and after-times thereof. And so it was no wonder though at that time kings were invested with a vast power. But by process of time, Monarchy became lesse esteemed. The power of it became much lessened, partly *κακότητι τῶν βασιλέων*, the kings themselves dimitting, and partly *ἰσχυρῶν παρασκευῶν*, the people detracting from their greatesse. So saith *Aristotle*, *Polit.* 3. *cap.* 10. So then we must not imagine that though kings sometimes had a vast and arbitrary power, they alwaies had such a power, and their wings were never clipped. Nay, the disposition of every age is not for Royal power it-self, much lesse for the arbitrariness thereof.

Let me move them, what the ordinary way of people is to bring their necks under such a yoke. What is more consonant to nature then liberty? and what is more dissonant to it then tyranny? Can any deny, but arbitrary power is *ut supra*, is tyranny? It is still in a capacity either of tyrannizing, or non-tyrannizing. Isiah still a disposition for acting, either according to, or against Law. Can people then have an ordinary temper for taking with such a yoke? No verily, that is against the haire with them. 'Tis repugnant to their innate liberty, and the natural desire thereof. Yea, 'tis repugnant to the natural antipathy which all bear in hand against tyranny.

This being done, we hasten now to give a direct and particular answer to that which *Salmasius* alleadgeth for proof of the second Proposition. We confesse, that some Kings of *Assyria* had an absolute and arbitrary power. But we deny that such power was competent to all the *Assyrian Kings*, as is proved already. It will never follow, that because the first Kings of *Assyria*, who were extraordinary Heroes, in whose time the condition of the Kingdom was unfeild, had an arbitrary power; therefore all the *Assyrian Kings* had the same power also, whereas the Kingdom became established. The one way the case is extraordinary, and the other way it is ordinary. But there is no consequence from extraordinaries to ordinaries. And *Salmasius* concludeth very unjustly, the *Assyrian Kings* to have been absolute, because the *Persian Kings* were so. I confesse, the *Persian Kings* had a power to do any thing they pleased; but this was by the means of the great *Persian Monarchs*, *Cyrus* and *Darius*. We read in *Daniel*, 6. ch. that in their dayes, the *Persian Law* were unalterable. And so we conceive, that Law which gave the King of *Persia* a power to do every thing according to his pleasure, was made under their reign: Otherwise, they could not have decreed unalterably; Neither could *Darius* have decreed, that none for *thirty* dayes should pray to any but to him, unless he had had an absolute god-like power conferred upon him by the Law of the Kingdom. Of this Law *Herodotus* speaketh, lib. 3. in the history of *Cambyses* marriage with his german sister. And it is known, that *Cambyses* did shortly after succeed to *Cyrus*. And it is already said by us more then once, that conquering Kings may, and did reign at random. And so it was no wonder, though the *Persian Kings* had an absolute power. Because it was established amongst the first and fundamental Lawes of the Kingdom. It was conferred by the power and means of the first Founders of the *Persian Monarchy*, who subdued the *Assyrians*, and brought them under. But you can never throw a Law amongst the *Assyrians*, establishing the arbitrary power of their Kings. 2. I do not deny, but arbitrary power may be retained in succession (being once acquired by some of the predecessors) for some short time. So arbitrary power acquired by *Nimrod*, continued still on, and about the reign of *Samus*. And if you say that it lasted longer, sure I

am,

shrittie



am, it did not exceed the dayes of Heroicism: After which time Monarchy in *Asia* became despotick and hell. Neither can you shew me (as is proved already) that in the dayes of the Heros, regal power was arbitrary, unless it had been in some extraordinary case. Well, I stand not to grant, that arbitrary power once acquired, may endure some few hundred years. But I cannot be brought to say, that such a power can be retained into many ages. This you may learn from what foregoeth. Now the *Affrican Monarchy* continued about 1547, whereas the *Persian Monarchy* lasted but 330 years. And though *Osmes* defineth Monarchy to be, that to which every thing is lawful unpunishably; yet he doth so by way of taxing the greatness thereof. And positively hexeth the greatness of the *Persian Kings*, objecting to the people the licentious arbitrariness of *Cambyses* and *Magus*. Thus he endeavourth to dissuade the People from establishing Monarchy, telling them, that it was neither good nor pleasant. And he giveth this reason for it; because (saith he) it hath a priviledge to do every thing unpunishably, *Herod. lib. 3.* So then he defineth Monarchy after that manner, not because he esteemeth it to be its due priviledge but because he holdeth it, as that which is competent to against the pleasure and profit of the people. Therefore is it, that he useth it as a dissuading motive for provoking the people no longer to set up Monarchy amongst them. We stand not here to glosse *Arabius* mind, who commendeth that Law amongst the *Persians*; whereby was enacted, That the King should be honoured as the Image of GOD. He was a great Courter with the King of *Persia*. And it is the least thing Courtiers can do, to flatter. Although we do verily think, that *Arabius* did allow vast and arbitrary power in the *Persian King*, yet that can be hardly drawn from his words. In Scripture, Kings are called Gods, and we are commanded to honour them as GOD's Vicegerents; yet doth it not follow, that according to Scripture-stile they are absolute, and have an arbitrary power. And we admit that of *Claudian*, who saith that the *Persians* gave alike obedience to cruel and tyrannous Kings. Therefore was it that by the very Law of the kingdom arbitrary power was conferred upon their Kings, and continued so long as the *Persian Monarchy* endured. And though the *Persian King* had an absolute power in making, yet not in breaking Laws, as is said already. It is already the wed by us, That in some things the power of the *Persian King* was restricted.

*Salmassus* needeth not to tell us, that the *Egyptians* did not bring their Kings to the Säge. This is blocked-up already from his fingers. And though they did bear much with *Cambyses*, it was no wonder: for he subdued them. And what can a subdued people do, but suffer? And 'tis known that *Cambyses* him self was a vile tyrant. Therefore the Story of *Judeth* calleth him *Nabuchodonosor*: So saith *Josephus* also. And *Osmes* addeth to that, *Herod. lib. 3.* And what can Tyrants do but tyrannize? Such are very ready to usurp an arbitrary power, *concl. 5.* As for *Darius*, I can-

I cannot think that ever the Egyptians had any such King, though *Isocrates* saith so. I confesse, I read of such a man in *Diodore*, *Re. ant. lib. 2. cap. 11*. But I can read little or nothing of him either in *Berosus* or in *Manetho*. *Tisimile*, *Berosus*, *Ant. lib. 5. saith*. That *Busris* was King of *Phenicia*. So saith *Diodore*, *Ant. lib. 1. cap. 2*. And *Herodot* reporteth, That *Sennacherib* invading *Egypt*, the Egyptians went about to help him against their own King *Sabon*, because he abused them, and did not his duty to them, *Lib. 2*. Thus we see that the Egyptians did hardly bear with tyrannous kings. This at length is shewed already. And what power *Agamemnon* had over the *Grecian Army*, as also what power the *Grecian Kings* had, how they were absolute, and how not, is shewed abundantly already. It is no matter that *Philip* saith, That the king hath equal power with God. So did *Caligula* arrogate an arbitrary and God-like power to himself. *Suet. in Cal. cap. 29*. 'Tis the least thing that tyrannous kings can do, to plead for more interest, then either GOD, or Nature hath conferred on them. And *Ephantas* calleth the King *αυταρχος*, not because he should be governed by none, but because he is above every one *seorsim*. In which notion he is above all, and subject to none. Yet this doth not conclude, but he is subject to the people or their Representative. But knowing, that there are many Court-parasites, I regard not though you reckon-up *Ephantas* amongst them. Yea, it is already shewed by us, That the *Roman Kings* were regulated. And albeit we should grant, that *Romulus* was an absolute Prince, yet would *Salmasius* gain just nothing: for by his conduct and industry he made the *Romans* a People. And we have said already, that such kings, from whose conduct the people's welfare doth intimately depend, have been absolute. But the case of such is extraordinary. And as for that which *Pomponius* saith, it needeth a distinction. It cannot be denied, but *Romulus* had a pambaslick power before the Senat was erected by him. But after it was established, we deny that he had any such power, as is shewed already. This distinction you almost find in *terminis*, *Digest. lib. 1. tit. 2. l. 2*. where *Pomponius* words are cited. This way also *Tacitus* is to be understood. We confesse, the *Roman Emperours* have immunity from Law, and that according to the very Law of the kingdom, *Princeps legibus solutus est*, *Dig. lib. 1. tit. 3. l. 31*. And upon this ground say *Severus* and *Antoninus*, *Licet legibus soluti simus, attamen legibus vivimus*, *Instit. lib. 2. tit. 17*. And it cannot be denied, but *Dio* approveth that same Law. So do all king-flatterers. Yet *Dion. lib. 51* saith, That this Law was enacted firstly in favour of *Octavia*. And no wonder: for he subdued and overcame all that stood by the liberties and privileges of the people. But the Conquerour may rule at random, as is often said already. So *Darius*, and *Cyrus*, having subdued the *Affyrians*, obtained the like priviledge, not only to themselves, but also to their successors. In such a case we deny not, but kings have had an absolute and arbitrary power. But though *Augustus* obtained this priviledge, yet sure I am, the Dictatours had it not, as is shewed already.

I con-

I confesse, *Discreet* doth compare the King with G O D in some respects, i.e. As G O D is first by Nature and in Himself, and hath power over all the creatures; so the King by way of imitation and resemblance is first, and hath power on earth. But I read not a word in him of his comparing the King with G O D in the matter of absoluteness. And sure I am he could not make a comparison in order to G O D under the notion of arbitrary power: for G O D's essence knoweth not what it is to act against Law, and to tyrannize. Yet I do verily think that the mainis of *Salmasius* judgment: for he saith, *De Regibus, de quibus dicitur, Reges non sunt homines, sed dei.* The King hath an unsubjected power. And we do not deny, but *Justinian* *Novel. Justin. 105.* saith, That the King is above Law. He calleth himself *basileus* *avrocrator*, *Noucrator*, i. e. i. Yet sure I am, *Plutarch* doth not say so, though *Salmasius* doth father it fully upon his name. And truly for my self, I think it a great wonder, that *Plutarch* being a great Courtier with *Trajan* the Emperour, did not swear what *Justinian* spoke, 'Tis the least things Kings can do to say. They are absolute, and Counters to seal it with an Oath. A flattering *Tullius* can say, *Principi summam reman arbitrium Dei dederunt.* And *Virgil* before him deluding *Augustus* with flattery, blusheth not to say, *Divisum imperium cum Jove Caesar habet.*

But this may be admired, That *Plutarch*, a most eminent Courtier, in plain terms saith, *Lex omnium regibus, Com. in Prince.* But more of this after ward. And though Emperour *Justinian* claimed an arbitrary power, yet neither *Theopompus*, nor *Lycurgus* do so. But you shall hear more of this after ward. Well, I think it just nothing for *Salmasius* to tell me, that Kings and Courtiers do plead for an arbitrary power to the King. They both hold that as their interest, and what the one saith, the other sweareth. But he must think it very matter of, and take it to his second thoughts, that both Kings and Courtiers do decline and abominate arbitrary and unlimited power. Friend there is not self interest here. But the other way you cannot say so much. And what is it that interest will not make a man do, who regardeth nothing but self ends? As the one way partiality, so the other way impartiality taketh room. And as for *Salmasius*, truly *Salmasius* wrongeth him very much. It is not his opinion; *Impiis que libet facere, id est Regem esse.* But *Memmius* thereby endeavourth to dissuade the Romans to keep themselves by all means possible from the yoke of King *Jugurth*; hereby insinuating the dangerousnesse and inconvenience of Monarchy, just so as *Ottom* did to the Persians. But neither of them did allow this, but called it as an unjust and hurtful power in Kings. I must needs say *Salmasius* quoteth *Memmius* and *Ottom* their words, as the Devil quoted in tempting Christ *Matth. 4.* *David's* words, *Psa. 91. 11.* That which directly made against the Devil's temptation; he held out, and only expressed that which he thought made for his purpose. So doth *Salmasius* straight forth in quoting the words of *Ottom* and *Memmius*. The thing

thing that is set against him, he suppresseth; and that which is the  
maiesty for him, he expresseth.

*The rest of the Arguments, for enforcing the second Assertion,  
propounded and followed forth.*

**H**aving at length discussed all that Salmasius doth, or can reply a-  
gainst our second Argument, we make ready now to propound  
the rest of our Arguments, whereby the King's arbitrary power  
is dismissed. And what further may be objected against our second Ar-  
gument (as indeed Royallists do) we shall take it off by the way, in pro-  
secuting the rest of our Arguments. And so by the way we shall meet  
with these Royallists, who with Salmasius do daily militate against our  
second Argument. Now,

*Thirdly, we make good our purpose from the power that the Kings of  
Israel and Judah had. And for clearing this, you shall be pleased to take  
notice of these Conclusions.*

Conclus. 1. *The wicked Kings of the Jews had an arbitrary power, both  
over Religion and the People of G O P.*

For proof of this see 1 Sam. 13. 1. 15. 24. 28. 30. 2 Sam. 21. 1 King,  
12. 14. 15. 16. 20. 22. 2 Kings, 3. 8. 10. 13. 14. 15. 16. 17. 24. 24. 2 Chr,  
10. 11. 12. 18. 21. 22. 24. 25. 26. 27. 28. 33. 36.

Conclus. 2. *The tyrannous and usurping Kings of the Jews, in all proba-  
bilitie had an arbitrary power over the Republick.*

There is reason for this: for such did reign against Law. And why  
did they not also rule against Law? And what can tyrannous Kings do,  
but reduce the people to slavery? Now it is known that the Kings of  
Israel for the most part were of this temper. Many of them were cruel  
tyrants and vile usurpers. Therefore is it said, *Regesque iudici, reges iu-  
dicatur, non dicit testimonium, nec philopon dicitur, ad ead. Scrib. 1. 6.* This  
Maimonides expoundeth concerning the kings of Israel, in *Seder mores di-  
syned, cap. 11.* And this I take to be very true concerning the usurping  
and tyrannous kings of Israel. They did not judge, because tyrannous  
and whipping kings delight in cruelty. They seek nothing but their own  
ease, and if they act any thing according to Law, it is only for the fashion,  
as the tyrant Cambyses did, in seeking his goddess's sister in marriage.  
What? Such hold will to Law. They know nothing but will.

*Hic volo, sic jubeo, sic pro ratione voluntas.*

*7th, satyr. 6.*

Such Kings do not judge according to the Law of the Kingdom. Nei-  
ther is there power according to the Law of the Kingdom laid upon such.  
What they do is done by themselves unanswerable to any. They act  
will-



will-way, and not Law-way. They were not judged, because they did  
take power above all Law. It cannot be denied but that  
the conclusion well from 1 Sam. 8 and 12, that the King of Is-  
rael judged by the Law. But he will do well to advert, that though  
this be true of *Israel*, concerning the King of *Israel*, according to Gods  
institution, the Law of the Nation, and the practice of some of their  
Kings, yet this is not true of *Alexander*, concerning the ordinary pra-  
ctice of these Kings. And it is very observable, that *Alexander* they  
called *Alexander*, all the while he did reign over the people of the Jews,  
acted nothing according to Law, but tyrannized over them: *Proph. with*  
*Jud. 13. 1. 2. 3.* But in *Gen. 18. 25. 26. 27.* it is said,  
that because of *Joseph*, it was enacted, that the King should neither  
judge, nor be judged. And if it be true that it was enacted so, then do  
I not think that it was upon that fabulous ground, (which does not so  
much as relate to *Sabbath*) of which the *Rabbinical* writers speak, but  
because of the tyranny and cruelty of the man, who did not govern in  
way, but will-way. And as *Alexander*, so the tyrant *Herod* had arbi-  
trary power, though we suppose it did depend much from the confi-  
dence of *Alexander* *1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*

Conclusion 3. The good Kings of the Jews because of personal endowments  
had exemption and immunity from Law.

This is manifest in the examples of *David* and *Solomon*. There were  
two things chiefly in *David* which were against the Law: 1. *Murder*  
of wives: Whereof *David* had very many. 2. *Chastity*: And  
Murder upon the back of adultery. *1 Sam. 11.* And *Solomon* did many  
things contrary to the Law: 1. He multiplied gold and silver: 2. Horses  
and Chariots; *1 Km. 10. 1 Chron. 9. 13.* Wives: And 3. he fell into adul-  
tery. *1 Km. 11. 12.* And yet we read not that either *David* or *Solomon* were  
judged therefore by the Sanhedrim. And what (I pray you) could be the  
reason of this? Not because the King *de jure* had immunity from Law.  
Nor because they over-awed the Sanhedrim by force of arms. We read  
nothing of that. And you shall not make me believe, that the Sanhedrim  
durst not attempt the executing of justice upon them. You thereby put  
a great nose of reproach upon *David* and *Solomon*. You do pollute their  
innocent disposition in them for rebellion, if you allow that the San-  
hedrim durst not attempt to execute justice upon them. As both already and afterward doth appear: he  
had power over them, durst not for fear of their resistance, execute judg-  
ment on them. That had been a disposition to a higher power, by  
which the Holy Ghost condemneth. *Rom. 13.* And I will not think that  
such men had the spirit of rebellion to repine against the execution of jus-  
tice: nor yet that the Sanhedrim did execute justice on *David* and  
and the people did so against *Abimelech*. *1 Km. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*

were spared. Other Kings of Judah were punished for their faults. The Sanhedrin and people had power to execute justice on them. And why not also on David and Solomon? They were all Kings alike. And very remarkable that after Solomon's death, ten tribes declined the house of David, because of Solomon's heavy exactions and tributes he laid upon the people. 1 Chr. 12. 2 Chr. 10. I believe they were as powerfull to revolt from Solomon as from Rehoboam. And seeing the people took so heavily with Solomon's yoke, that therefore they did revolt from his son, it maketh me think that the Sanhedrin did not spare him, for fear of his power. Verily both they and the people have borne patiently with his slips and heavy impositions, because of his rare and singular qualifications. Otherwise I can see nothing for it, why the people did not make a mutiny against, and revolt from Solomon as against, and from Rehoboam. Because, as both already and afterward doth appear, the Sanhedrin, both according to GOD's institution, and the Law of the nation, had authority and jurisdiction above the king. But sure I am, it had been a very uselesse power if they durst not have exercised it. It had been all one to have wanted that authority, with wanting power to have put it in execution as occasion served. And this had been a having, and a non-having power. Which is ridiculous and repugnant. Neither can you alledge that they were spared, because then judicatories were altogether turned corrupt, and knew not what it was to exercise justice: so that doth directly militate against the eminent Reformation both of Church and State, that was under the reign of both these Kings. Therefore seeing David and Solomon were spared, not because they were absolute, nor because the people durst not execute judgement on them, nor because the people and judicatories under their reign were altogether dissolute, not knowing the way of exercising justice, to me it is more then manifest that their delinquency was past by, because of their personal endowments. The shining vertues and eminent graces that did appear in them, no question have kept back the Sanhedrin from putting Davids off-cutting? O! how much would my soul be grieved, so far as tence against a Solomon? And shall not I think but those of the Sanhedrin were much taken up with the qualifications of these men, as well as I could be with the vertues of such-like? I cannot think that I am singular in this.

In the interim observe, that my meaning is not that they had such a vast power as *Salmustas* dreamed of. I do not think that ever the Sanhedrin would have spared them; unless they could not have done otherwise, if they had turned positive and even down tyrants and destroyers of the Commonwealth. But only my meaning is, that because of their eminent qualifications, they had immunity from Law in some notes of

delinquency. Neither do I speak that they had this privilege, *de facto*, but *de facto*. Thus you see that this is no argument for Royallists, who object, the Sanhedrim's passing of *David* and *Solomon*, as a ground of the King's arbitrary power: And so this none is more ready then *Salmus* *De Reg. cap. 5.* But they shall do well shortly to object this thing. 1. They were spared, because of their personal endowments: They were extraordinary men: Therefore they were extraordinarily privileged: They got an inch to the yard, and piete beyond common: Now *ut in traordinarius ad ordinem non est sequela*: And cannot be denied, but they got a dispensation for some points of delinquency: But Royallists have to prove, that they positively were raised over the Commonwealth, and destroyed it, and notwithstanding had exemption and immunity from law. This I am sure they can never make good. 2. This speaketh something of the exemption of Kings from Law, *de facto*. But Royallists, when they have said this, have never to prove, that this *factum* is *de jure*. *Int. Q. but, (that) say, David (and) Solomon also Solomon, and all other kings before) had immunity from Law: for he saith, Against thee, they only have I sinned, Psal. 51.* And they take this to be the meaning of the place: as if David had been subject to none but to God: And for this namely they cite *Ambrusius in Apolog. Dav. lib. 101. 2. Epist. 51. See Duns. Rex, and Salmus de Reg. cap. 3.* But this is the main prop that all Royallists have for setting up the arbitrary and lawless power of the King.

*Ans.* I shall not stand here to repeat the judgment of Interpreters. Our learned and dear Countryman, *Lex Rex. quest. 25.* of this speaketh abundantly. But in few words I expound the words thus: They are to be taken *hyperbolice*, intimating, that David had mainly sinned against the LORD, and that David was more grieved for his sins, in so far as they offended G.O.D., then in so far as they offended man: No question they are to be considered in an hyperbolick sense: They must not be taken in an exclusive, but in an inclusive notion. Just so as are these words, *I have sinned the LORD, and there is none else, Isa. 45. 8. Psal. 14.* Now, this cannot be taken literally and simply as it is propounded: Otherwise it should follow, that there were no creature beside the Creator, and no other thing beside the LORD. And yet it is known, that there are Angels, men, and many other creatures. Therefore their sense is merely figurative and hyperbolick, pointing out the eminency of G.O.D. difference: Even so David thereby aggravated his grief for his offence done against the LORD: He only repented his sin done against G.O.D. But he spake nothing expressly of it, as it was done against *Bathsheba* and *Uriah*. No reason can be given for this, but because it more grieved him, that he had offended God, then man. And so, as a man only taken up with thoughts of guilt, and mis carriage in order to God, he only hapeth upon this string. As a man over-charged with sorrow for sin done against God, can have no time to think upon his offence to man. So David carrieth himself just









David consulted with the Captains of thousands, and hundreds, [and] with coun-  
leader. And David said unto all the Congregation of Israel, If it seeme good  
unto you, let us send abroad unto our brethren, that they may gather  
themselves unto us at Beth-lehem. There is much in this, if it seeme good  
unto you. This intimated, that as David would not act without the advice  
and counsel of his people, to his acting depended from their determina-  
tion. For the King had taken counsel, and his Rishis, and all the Congregation  
in Jerusalem, to keep the Passover on the second month. He doeth not of  
his own head without advice. And the thing pleased the King, and all the  
Congregation. It is a thing done by common consent. So they established  
a decree, — Mark, it is not said, So the King established a decree. But the  
Authority both of King and Princes is interposed. The decree floweth  
from the joint authority of both. Therefore it is added, So they sent  
with letters from the King, and the Princes, 2 Chron. 30. They go not forth  
as commissioned only from the King, but also from the Princes. And it  
is most remarkable, that which Zedekiah said unto the Princes, — The  
King [is] not he [that] can do any thing against you, Jerem. 38. King, if the  
King could do nothing against the will of the Princes, he had not an ar-  
bitrary power to dispose upon matters as he pleased. *Ans.* The King delivered Jeremiah into the hands of the Princes (saith  
Salmassius) not because he was inferior to them, but by way of gratifica-  
tion, and perhaps for fear of sedition. *Def.* reg. cap. 4. *Ans.* I  
consule Jeremias an. lib. 10. cap. 10. doth intimate as much. But by  
your leave I must needs say, that Zedekiah might have delivered Jeremiah  
into the hands of the Princes, whether through gratification, or through  
jealousie, and yet he needed not to say that he could do nothing against  
them. And sure I am, if he had had an arbitrary power over them, he  
would never have said so. 1. Because it had been a known and mani-  
fest lie. Which he would have been ashamed to have spoken in the pre-  
sence of the Princes. 2. He should have done a thing of great gallan-  
try and wisdom. Against gallantry, because if he should have denied his  
power by way of gratification, then should he have been simple. And if  
through jealousie, then he had been base and cowardly. Against wise-  
dome, because the high way of forming sedition is to add upon sus-  
pition thereof. The sedicious party is encouraged, upon the flimsie and  
relenting of the other. Well, I do not dispute upon what grounds Zede-  
kiah delivered Jeremiah into the hands of the Princes. Whether it be the  
one way or the other, it is not materiall. Yes you must give me leave to  
add, that you can assign no reason whether from gratification, or from  
jealousie, why he should have said that he could do nothing against the  
will of the Princes, if he had had an arbitrary and boundlesse power.  
Nay, but the words are so clear, that they need no commentary.

Thirdly, from the council of the old men given to Rehoboam, who said to him, If thou wilt be a servant unto this people this day, and wilt serve them,

Again, said *Charles*, they perswade the King to keep himself within  
 his bounds, and not to be so arbitrary. They would have the King to ex-  
 ercise his power according to the people. This is far from an arbitrary  
 and lording power. It is like to this, that either *Rebboam* desired to go-  
 vern according to Law, and within of the power, which his father had,  
 or that he was his boundless and arbitrary, in the full running of ar-  
 bitrary power, of which the people would leave him and revolt from him.  
 There was no other option to him, of not to listen the yoke of  
 his father which he held upon the people's neck. No vail. Neither did the  
 old men counsel him to drink any thing of his father's power, as meerly  
 depending from his own arbitrament, but in relation to the people's  
 desire. And that not once, because of necessity. But the benefit of con-  
 vention. Verily, the old men had been far in the wrong to *Rebboam*  
 to have counselled him to drink any thing of his power, if he might have  
 retained it justly. No justly lawfully could have moved the old men  
 to persuade *Rebboam* to drink his power. If he had had such a power of  
 God, and the desire of the people had been unmoveable and unjust.  
 No evil should be done, that good may come of it. *Page 3.* Yet is the  
 young men's counsel had been more just and reasonable, then the coun-  
 sell of the old men, if *Rebboam* lawfully might have kept the people un-  
 der his fathers yoke, and if the people's desire had been unlawful. But  
 it is known, (as *Salmastus* himself confesseth) that *Salmastus* unjustly keep-  
 ed the people under heavy yokes. *1 Kin. 12.* and the counsel of the  
 old men was just and reasonable, yet and the desire of the people was ho-  
 nest and equisable. *1 Kin. 12. 1 Cor. 10. 25. 1 Tim. 2. 15. 1 Pet. 2. 13.* Now  
 tell me whether or not the Kings of the Jews were had an arbitrary and  
 lording power over the people? If they had such a power, then  
 did the people *Rebboam* in desiring *Rebboam* to drink his father's power,  
 whether the work can be called nothing, for it is absolute and uncircumcri-  
 bed, and a revolt when it is *contra jura* in desiring *Rebboam* to satisfy  
 the people's desire. *Salmastus* himself will not say so. But he acknow-  
 ledged that the people's desire was just, and the old men's counsel reason-  
 able. Yet I think it to any indifferent reader to judge whether, or not the  
 people could have desired *Rebboam* to listen the yoke of his father, and  
 the old men could have counselled him to serve the people, and satisfy  
 their desire without the note of his best treason, if he had been their  
 absolute lord? And if you deny that if sure they had any such power, then  
 do I gain the point.  
 But *Salmastus* hath no more to say against this. But yet he hath  
 said, that *Rebboam* was a tyrant, in the English words, *Rebboam*  
 with *Charles*. *(2.)* *1 Peter 2. 13.* who will not condemn *Rebboam*, as  
 a tyrant, and rebelli, and impious rebellion, in all his fathers, *Del. reg.*  
*cap. 11. 12.* This is a meer shifting of the question. What is it to the  
 purpose



purpose that the people of *Israel* did not accuse, condemn, and cut-off *Reboam*? Will it therefore follow, that he had an arbitrary and lordling power, or that they went not about to eclipse his power, and to keep it within bounds? The contrary of that is shewed already. And I think, *Salmasius* will say, that they had not reason to cut-off *Reboam*. He did no more but threatned them with heavy pressures and grievous impositions, and that through the suggestion of wicked and evill counsell. We read not that he had tyrannized over them, and had put any thing in action, which he threatened them with. And yet they say, *What portion [have] we in David? neither have we inherisance in the son of Jesse. Every man to your tents O Israel, and now, David, see to thine own house, 1 Kin. 12. 2 Chr. 10.* My friend, were they any thing behinde with *Reboam* in this? And I am sure, they did as much against *Reboam* in revolting from him, and in setting another King over them, upon his threatening them with tyranny, as if they should have cut him off. if at any time he had actually exercised tyranny upon them. *Consideratis considerandis*, the case is just one. They declined him upon his profession of tyranny. And I pray, imagine you but they would have dealt far more roughly with him, if he had put it in action? Did they not stone *Adoram* to death, who was sent out by the King to them? And was not the King constrained to flee to *Jerusalem*, for fear of his life, after they had revolted from him? Yea, were they not alwaies in a posture to have withstood the King, if he had come against them in arms? *1 King. 12. & 13. 2 Chron. 10. & 11.* I cannot stand here to dispute, whether or not they did lawfully revolt from him. But sure I am, I may very justly determine upon either of these two 1. That *Jeroboam* was a vile idolater, and was not worthy to be a King. 2. That the people justly desired *Reboam*, to dimit of the power which his father had, and that the old men did arightly counsel *Reboam* to do so. Neither of these doth *Salmasius* deny. And so I gain the point, as is already proved.

Fourthly, from the People of the *Jews* proccessing their Kings. So did they against *Abisab*, *2 King. 11. 2 Chron. 23. and Amaziah, 2 King. 14. 2 Coron. 25.* See subsect. 2. prop. 1. And as they proccessed their Kings, to did they resist them, as afterward is shewed. But I pray you, could they have done such things lawfully if their Kings had had an arbitrary power over them? And that they did such things according to Law and Reason is proved by us.

Fifthly: If *Abab* had had an absolute power, I see no reason how he could have been refused of *Naboth's* Vineyard, *1 King. 21.* Sure I am, if he had had a prerogative above Law, and a power to dispose according to his pleasure, either upon the goods or the person of the subject, he might have taken *Naboth's* Vineyard at his own hand, without so much as demanding it with *Naboth's* leave. And yet the text saith, That *Naboth* having refused to give it him, he went home much dismaid, and refused to eat bread, because *Naboth* had denied it to him. And, which is more, he

could not get it till a false proceſſe was led againſt Naboth, by the craft of Jezebel. But is it imaginable that ever ſuch things would have been done, if Ahab's power had been arbitrary and uncircumſcribed? No verily. No queſtion, if his power had been boundleſſe, by virtue of a Royal Act he might have taken Naboth's Vineyard, either without grieving himſelf, or without leading a false proceſſe againſt Naboth. And therefore Mr. Wylbers, al. Tom Plain-man ſaith notably:

-----Why, I pray,  
Did Ahab grieve, that Naboth ſaid him nay?  
Why made he not this answer thereunto,  
(If what the Prophet ſaid, ſome Kings would do,  
Were juſtly to be done) Thy Vineyard's mine,  
And at my pleaſure, Naboth, all that's thine,  
Aſſume I may? Why like a Turkey-cock,  
Did he ſo fooliſhly grow ſullen ſick,  
And get poſſeſſion by a wicked fact,  
Of what might have been his by Royal Act?  
If ſuch Divinity as this, were true,  
The Queen ſhould not have needed to purſue  
Poor Naboth, as ſhe did, or ſo contrive  
His death, ſince by the King's Prerogative,  
She might have got his Vineyard: nor would God  
Have ſcourged that murder with ſo keen a rod,  
On Ahab, had he aſked but his due:  
For he did neither plot, nor yet purſue,  
The murder, nor (for ought that we can tell)  
Had knowledge of the deed of Jezebel,  
Till God revealed it by the Prophet to him.  
Nor is it ſaid, that Naboth wrong did do him,  
Or diſreſpect, in that he did not yeeld,  
To ſell, or give, or to exchange his field.

Brit. Remembr. Cant. 8.

Now hereby is made to appear, That the Kings of the Jews were not abſolute, whether according to the Law of God, or the Law of the Kingdom. And why then do Royallists plead ſo much for the King's arbitrary power, ſeing the Jewiſh Kings, *de jure*, had it not? Which maketh me think, other Kings far leſſe ſhould have it; for the ordination of the Jewiſh Kings did depend from God in a moſt ſpecial way, and God therein was moſt intimately concerned. We muſt not think, that the Kings of Judah, after the captivity, *de jure*, had any priviledge above Law, more than thoſe who preceded them. According to the Law of God they had no ſuch priviledges, as is ſhewed already. And that according to the Law of the Nation they had it not, is alſo evident. (1.) Becauſe after the captivity the ſtate of the Government was changed. And they had not ſo much as Kingly

Kingly Government, much lesse absolute Monarchy, till *Aristobulus* first usurped the Crown; *Jes. Ant. Jud. lib. 13. cap. 19.* (21.) Because the people did withstand the tyrant *Alexander*. And whileas he was dying, he was necessitate to exhort his wife who succeeded to him, to ditain of his power, and to promise to govern according to the advice and counsel of the Senators, and Pharisees, *Ant. Jud. lib. 13. cap. 22. & 23.* Which she did accordingly, *cap. 24.* And at her death she desired the Sanhedrin to dispose upon the Kingdom as they pleased, even while her son *Aristobulus* was in arms, for bringing the Kingdom to himself. Yea, the Sanhedrin not onely accused *Antipater*, but also arraigned *Herod* before them, who for fear of them was constrained to flee, *Ant. Jud. lib. 14. cap. 17.* And what arbitrary power *Herod* had, was by *Antonius* concession, whom *Herod* blinded and deluded with gifts, *Ant. Jud. lib. 15. cap. 14.* I confesse, whileas *Herod* was cited before the Sanhedrin, he was not King, but Governour of *Galilee*. But what then? I hope *Salmasius* will not deny, (which indeed he confesses) that his father *Antipater* did reign as King. And yet the Elders of the People did accuse him before *Hyrcanus*. But neither *Hyrcanus*, who indeed was King of the Jews; nor *Antipater*, who was Procurator, and managed the matters of the Kingdom because of his weakness, were able to absolve *Herod*, notwithstanding *Cesar* the President of *Syria*, wrote some Letters to *Hyrcanus*, threatening him, if he did not absolve him. The Sanhedrin went on so, precisely against *Herod*, that they went about to condemn him to death. So that *Hyrcanus* was necessitate, in satisfying *Cesar's* desire, to cause *Herod* flee quietly away. Now, I would fain know of *Salmasius*, if either *Hyrcanus* or *Antipater* had had an absolute and arbitrary power, might they not have absolved *Herod* at their pleasure, the Sanhedrin nilling, or willing, and not basely for fear of the Sanhedrin have dismissed *Herod* secretly? Therefore *Salmasius* must give me leave to say, (though he imagineth the contrary) that *Siobardus* very pertinently urgeth this example, to prove, that the power of the Sanhedrin was above the King. And *Salmasius* himself denieth not, *Def. Reg. cap. 2. & 5.* but the strain and current of Rabbinick Writers doth run this way.

*Inst. Nay but* (saith he) *in the Jewish Talmud it is spoken otherwise. And therefore it is said, Rex neque judicat, neque judicatur, non dicit testimonium, nec in ipsum dicitur, in Cod. Sam. cap. 11. Def. Reg. cap. 1. Answ.* Verily this Gentleman needeth not brag much of this: for the Jewish Writers pull this out of his hands by a distinction. Some of them understand it concerning the Kings of *Israel*, and some of them refer it to the *Samaritan Kings*. But they deny it to have place in the Kings of *Judah*, and those who came of *David*. I admire much, that he should cite the authority of Jewish writ for him. He doth not deny, but the Jewish Writers are no friends to Kingly Government. And they positively say, (which he denieth not himself) that the King of the Jews was subjected to *Lavi*. And which is more, they particularly condescend upon three cases, wher-

in the King was judged and punished by the Sanhedrin, viz, Idolatry, Murder, and Adultery. Let *Salmasius* impugn their sayings and consequences as much as he will, (no question, they speak many things from the purpose) I regard not. All that I seek of them, is, to shew, that they are far from his opinion, though he leaneth much to humane authority. Yea that which in their sayings seemeth most for him, he himself is not fully satisfied therewith. He is constrained to put a fair face upon that, *Rex neq̄ judicat*, saying, That it only hath place in the Kings of the *Jews* after the Captivity. But if his construction stand, then we shall expound the words thus, *Rex neq̄ judicat*, i. e. The King of the *Jews* after the Captivity, did not judge, *neq̄ judicatur*, i. e. The King of the *Jews*, whether before, or after the Captivity, was not judged. And so you must after the same manner expound the words which are added to these. And for my self I take this exposition of his to be meer non-sense. And sure I am, there is no Humanist, who according to the rules of true Rhetorick, can admit such an exposition. I see he will have *Rex*, taken in an ambiguous sense. But I know not if ever he read, that one and the same word in a continue Oration, is taken under divers senses. Such cryplick expressions become not Humanists, but Sophists, & Amphibologick Prophets. Well, we have given the sense of these words already, in this same Section. *Concl.* 2. And we mind no more to stand here, but only put *Salmasius* in mind of this, That the Kings of the *Jews*, whether according to the Law of God, or the Law of man, had no prerogative royal above Law: Ergo far lesse any other Kings are so privileged.

*Fourthly*: Absolute power, in *actu primo*, is a tyrannick power: Ergo it is not a lawful power and a power from God. The *Antecedent* cannot be denied, because absolute and arbitrary power putteth the King, or any invested therewith, in a disposition for, and capacity of acting either according, or contrary to Law, of tyrannizing, and non-tyrannizing over the People. Now this aptitude of arbitrary power is the very *actus primus* thereof. The consequence is also undeniable: for God cannot be the author of any evil and tyrannous power. Power, in so far as it is tyrannous, in as far it is sinful and unlawful, either in lesse or more. The Scripture of God crouch-down tyranny, and so doth the very Law of Nature. But who will say, That God hath hand in any thing that is evil and unjust; unless he will not be ashamed to say, That God is the author of sin? And if it be so, that absolute and arbitrary power is not of God, I admire how Malignants are not ashamed to plead so much for it.

The point being thus established from Scripture, and reason grounded thereupon, the next thing we have to do in this businesse, is to shew, that it is not onely my judgement, but even that also which the very light of Nature taught *Ethnicks* to embrace. *Herodotus* approveth *Pindarus*, because he called Law the King and Lord of every thing, *lib. 3.* And *lib. 7.* he saith, that amongst the *Lacedemonians* Law was King. In like manner



Plutarch approveth *Pindarus* for that same, comment. in *Princ.* *Plato* doth much cry-up *Lycurgus*, because he prevented tyranny, in choosing some to govern with him in the Kingdom, and made Law King. So that (saith he) Law became the King of men, and not men the Kings of Law, *In epist. ad famil. Dion.* And in the politicks he saith, We should not call the civill and kingly power absolute. *Aristotle* reproveth arbitrary power in the *Lacedemonian Eporie*, and in plain terms saith, that it had done better to judge according to Law, then according to it's own will. *Polit. 2. cap. 7.* And *Polit. 4. cap. 4.* he saith in even-down termes, that Law ought to rule all. Which maketh him say, that where Law doth not lord, there is not a Republick. Yea *cap. 5.* he calleth absolute opemack, tyranny, calling it all one with the tyranny of kingly government. *Pol. 5. cap. 10.* he differenceth the tyrant from the King in this, *scilicet*, that the object of the King is *bonestum*, and of the tyrant, *quod placeat*. Thus he maketh *Salmajus* his *cui quod libet licet*, the propriety of a Tyrant, not of a King. And therefore shutting up the whole matter in a word, he calleth all powers above Law meer tyrannies. But you shall not need to imagine that *Aristotle* in this contradicteth himself, whileas *Pol. 2. cap. 11. & 12.* he alloweth pambasillick monarchy. 1. Because, as is above said, there is great difference between *αυτοκρατορια* and *αυτοκρατορια*. And already we have shewed that *Aristotle* doth not absolutely, but comparatively oppose government laid upon one governing *ex voluntate*, to government mannaged and carried-on *secundum legem*. 2. It is far from *Aristotle's* mind to dispute simply and absolutely for such a power. But his main purpose is to dispute against these who deny pambasillick and all-governing monarchy to be according to Nature. And it cannot be denied, but both mixed and unmixt monarchy are naturall, albeit arbitrary and unlimited regall power be against the very Law of Nature it self. It is no wonder though *Aristotle* speak something for Royall power. Had he not *Alexander* to deal with, who could endure none to govern but himself? Church-Propheets or rather prating parasites, such as are the lying spirits, and King-batterers now a-dayes, were they as great Courtiers as *Aristotle* was, I trow they should not be ashamed, in plain language and positive terms to prefer the King to *CHRIST*. The Ethnicks called *Jupiter primus*. But they could find in their heart to change that, and say, *Cesar primus*. Tell not me that *Aristotle* is for absolute and uncircumscribed monarchy. Compare place with place, and you will finde the contrary. Yea *Polit. 2. cap. 12.* he layeth down this as a ground, That Monarchy transgressing the right model, is against Nature it self. But sure I am, a power to tyrannize and act against Law, is against the right model: for both in *actu primo*, and *actu secundo* it is a tyrannick power. Howsoever *Aristotle* in that same place explaineth what the right model is, as is shewed by us already. And it is far from taking-in arbitrary power. And, which is more, *Aristotle* is so far from allowing arbi-

itary Monarchy; that, as afterward is shew'd, no Government taketh so much root in his hearts as Democracy. And what need we stand here, do not all Law-givers disclaim arbitrary and uncircumscribed power? viz. Zaleucus, Charondas, Oromachus, Thales, Lycurgus, Philolaus, Plato, Dracon, Pittacus, and Cleisthenes, of whom Aristotle speaketh, Pol. 2. cap. 10. There could not have precisely prescribed Laws for hedging in the wayes of people, if these they had been positive and even-down enemies to absolute and arbitrary power. Howsoever it is without controversy, That the chiefest Law-givers we read of amongst the Ethnicks, could not away with arbitrary and uncircumscribed Government. Solon was altogether against it, Arist. Pol. 2. cap. 2. Deor. doct. Phil. lib. 1. in Sol. Val. Max. lib. 3. cap. 2. lib. 7. cap. 2. & lib. 8. cap. 7. Trig. lib. 1. See also Herod. drop. Panath. De permis. Pittacus was so much against it, that having reigned a while over the Milesians, at last he resigned the Kingdom, Diog. La. de vit. Phil. lib. 1. in Pittac. See also Simonid. carn. Val. Max. lib. 4. cap. 1. lib. 6. cap. 3. Who will deny Lycurgus to have despised arbitrary power? So Xenoph. de Repub. Lac. and many others do report, as Herodot. Plut. Aristotle, &c. Neither can it be denied, that Plato was an enemy thereto, as is shew'd already. He could not endure the tyrant Dionysius, as Gaertius; Plutarch, and others do report. And that Minos did abhor arbitrary power, is shew'd already, Com. 6. Because he was a most noble Law-giver, therefore he is feigned by Homer, Odss. 11. to be Justiciar even in his soules departed; In a word, that of Pindarus, *Lex omnium est Regina, mortalium atq. immortalium*, passeth current amongst the chief Law-givers, and Philosophers: To which Plato, the great Philosopher and Law-giver, in terminis doth subscribe, lib. 24. de Rhetor. What? shall we over-leap the most noble Lacedemonian King, Theopompus, indeed not unlike the signification of his name? No verily. Whilseas it was said by his friends of him, having superadded the Ephorick power, That he should leave lesse power to his successors then he had of his predecessors; he forthwith answered, saying, Nay, but I leave them a far greater power, Arist. Pol. 3. cap. 11. See also Valer. max. lib. 4. cap. 1. & Plut. de doct. princ. lib. Of the herpicks Thebes we have spoken enough already to this purpose. And which is to be admired, the very King-flattering Librarians doth stork much of his disclaiming arbitrary power. And this he reporteth not to his discredit, but to his praise, Helen. laud. & Panath. What needeth us thus to multiply the actions and judgments of men against arbitrary Monarchy? Have we not already at large shew'd it to be repugnant to the ordinary course and strain of all Commonwealths? We will stand no longer here, but hasten toward another Question,

SECT. II.

Whether or not is Royal Government the choicest of Governments?

**A**S in the former Question we have offered our judgment very freely, so shall we do the like here. And that we may do so to some purpose and distinctly, we offer our judgment to you in these Assertions.

Assert. 1. Royal power, *etypically*, is the choicest of Governments.

This is to be taken two wayes. 1: In order to the Creatour. It cannot be denied, but Monarchy *etypically* and by way of assimilation comureth nearest to the Government of God, and doth livelyest represent it, for the Divine Essence is simply one, admitting no diversity. Now, a thing is no otherwise good and pure, but as it is squared according to the perfect pattern of the Divine Essence. And consequently Monarchy having a more intimat assimilation to the Divine Essence then any other Government, *etypically* and by way of assimilation, it cannot but be the chiefest of Governments. This breaketh the neck of all that is objected from the resemblance that is between Regal Government, and the Government of God, to prove Monarchy to be the choicest of Governments. So do some object expressly, *Isoe. Nic. Aquin. de Pr. reg. lib. 1. cap. 2. Clicht. de reg. off. cap. 1. & 3. Bellar. de Rom. pont. lib. 1. cap. 4. Salmas. de reg. cap. 5. and some, insinuatively, Cypr. de Idol. van. tract. 4.*

2. In order to the Creature. We find, that both amongst inanimate, and animate creatures, a natural kind of Monarchy is observed. Is there not in the complex body of the Universe one above all the rest? We see the Heaven is above all the four Elements. And in the Heaven all the stars in height, vertue, and excellency, are inferior to the Sun. Therefore Dionysius calleth the Sun, *imaginem Caeli, terrarū regem, Lib. de Divin. nom.* Amongst living (though brutish) creatures, have not Bees their own King, and flocks of Sheep their own leader? *Apol. Nil. Hierog. lib. 1. Virgil, Geor. 4. Plin. nat. hist. lib. 11. Cypr. tract. 4. Ambros. hexam. lib. 4. Veg. disp. int. ter. sol. &c.* Cranes have also a King, *Apol. hierog. lib. 2. Plin. nat. hist. lib. 10. Hieron. in Epist. ad Rust. Ambr. hex. lib. 5.* Hence the back of that Argument is also broken, which *Salmas. de reg. cap. 5.* and others do draw from the natural kind of Monarchy that is amongst inanimate and brutish creatures, to prove Regal Government of all Governments to be the choicest.

Assert

**Affert. 2.** *Monarchy, ἀρχαια, is the choicest of Governments.*

This cannot be denied: for of all Governments Monarchy is the most ancient. Before the flood we read of no Government Political, but of Royal power, *Gen. 5. & 6. Ber. ant. lib. 1.* And after the flood it was that also which had first footing, *Gen. 10. Berof. ant. lib. 4. Archil. lib. de temp. Xenoph. de equib. Porc. Cat. ex lib. orig. fragm. Pitt. de aur. sec. lib. 1. Metast. de Pers. annal. Isocr. Panath. Jos. ant. Jud. lib. 2. cap. 4. & 5. Philo. Jud. ant. Bibl. lib.* To this also Aristotle, Trogus, and Salust, do subscribe, with the whole current of Writers. Royallists do meanly object Monarchy simply to be the choicest of Governments, because it is the ancientest of Governments. So argueth *Salmasius, def. reg. cap. 5.* We confesse, in respect of antiquity it is the best. 'Tis a bad consequence, Monarchy is best ἀρχαια, in respect of antiquity and priority of time: Ergo it is best ἀρχαια, simply and absolutely. This is a caption indeed, *a secundum quid, ad simpliciter.*

**Affert. 3.** *Monarchy, demotically, in respect of the temper and disposition of the people, is the best Government.*

In clearing this, you shall observe with me, these three times. 1. The golden time. 2. The heroick time. 3. The non-heroick and after-time. As for the golden time, it cannot be denied, but people then had only a disposition for natural and oeconomic government. See *Subsect. 2. concl. 3.* But the heroick time did extremely incline to Monarchick Government. Before the flood Giants and men of renown did enlarge their power, and brought all in subjection to them. After the flood, about 131 years, *Nimrod* began to erect a Kingdom for himself. And afterward the heads of Colonies went forth, and established Kingdoms. At that time heroick spirits one way or other came to Crowns. Of this is spoken already by us at large: We shall not now need to repeat any thing we spoke, whether concerning the extraordinary, or ordinary Heroes. That time had such a disposition for Regal Government, that it carried the People of *Israel* to seek a King, whether God would or not, *1 Sam. 8.* We find very reason for it, why then the disposition of people did most intensively carry them toward that kind of Government. 1. Because men then were ignorant: They were then more prodigal then politick. There could be found at that time few, or no Commonwealths-men. And to this very pertinently agreeth that which Aristotle speaketh *Polis. 3. cap. 11. & Pol. 4. cap. 13.* saying, That Kingly Government was in the beginning, because then men were ignorant, and few Commonwealths-men could be found. I confesse, his meaning is mainly concerning the golden age: And in respect of it he also speaketh true. No question, then every thing was but in its beginning: Men then were but acquainted with the rudiments of learning, and policy, and scarcely that. Any Government they had then was not Politick, but Natural and oeconomic: At least, it did not much differ therefrom. And it must needs be said, That then people were not acquainted with the



**Rules of Policy in the Heroick age.** It cannot be denied, but in the Heroick time men had greater insight and experience then in the Golden time. In the heroick age Policy began to have footing. And no question at the end thereof men were better acquainted therewith, then at the beginning thereof. Their experience and insight then could not but be the greater. Yet we must needs say, that comparing the age of Heroicism with after-times, men in it were but meanly acquainted with the Rules of Policy. As far as the herock time therein exceeded the golden time, so far therein did after-times exceed the heroick time. And we find, that alwaies the latter times do abound more in Learning and Policy, then the preceding and former. 1. Because in those dayes men were of a gipantine strength and vast courage. Then they were much given to warlike exploits, to the building of Cities, and to the enlarging of their own dominions. What I pray you then could be more suitable to the disposition of men then Kingly Government? Prodigality was then more stood-by then Policy. Then men were alwaies set a-work on haughay and heroick designments. Therefore they could not be governed and ordered, but by such who were far above their reach. What? did not then the haughtiness of *Israel* cry for a King? *1 Sam. 8.* They tell *Samuel*, they will have a King as other Nations. And this is as much as if they had said, We cannot endure to be inferiour to other Nations. And therefore we will have a King. What was it I pray you, that made *Nimrod* to take Royal Power to himself, but because he was a mighty hunter, *Gen. 10.* one of an haughty and arrogant disposition? Pride of heart, and arrogancy of spirit would not admit *Cesar* to be *Pompey's* equal, and *Pompey* *Cesar's* superiour. *Liv. dec. 14. Luc. dn. lib. 4. cap. 2. Plut. de Pomp.* The very instinct of Nature doth abundantly teach, Kingly Government most to becom the disposition and temper of the proud and haughty. Cranes, and Bees, which Nature hath taught to erect amongst them Kingly Government, in haughtiness and proudnesse amongst all beasts are matchlesse, *Apol. in hierogl. lib. 1. & 2. Virg. Geor. 4. Plin. nat. hist. lib. 11. Juv. Sat. 13. Ambr. hex. lib. 5.* Is it any wonder then though in the heroick age men did much dote upon Kingly Government. Then men were extream haughty and arrogant, and could not be governed by equals. They were much given to high and lofty undertakings. And what could expedite them therein more, then Kings? In after-times, I deny not but Monarchy did go much out of request, if we compare the non-heroick with the heroick time. This maketh *Aristotle* say, *Polit. 3. cap. 10.* That in after-times the kingly power was extreaimly lessened, partly by the King's dimittting thereof, and partly by the People's detracting therefrom. This is already illustrated by us, by manifold examples. No wonder that this was: for as the heroick age in Policy did exceed the golden age, so therein after-times did exceed the heroick times, yea much more. Thence was it, men then so abounded in Learning and Policy, that in many Commonwealths they could endure no Kings at all:

At last the number of Common wealths, thus greatly encreased, till they did not leave so much as the name of a King; much less the power. So it was amongst the Brethians, Athenians, Cyrenians, Romans, and other Republicks. Yet observe this distinction: there is a threefold kind of people. 1. Haughty and malignant. 2. Ignorant and servile. 3. Witty and politicke: The first sort can endure no Government but kingly. And that not only, because they would be great Counters themselves, and promoted to dignity; but also because they cannot endure to be governed by their equals. The second sort Stoically are incapable of the sense of slavery; and apprehend some deified lustre in the King. They are silly, base, common spirits. And because of their silliness, they are contented to live in slavery. And as they are base, so they are ignorant. And because of their ignorance, they apprehend all their slavery to be abundantly to be made up, with a glimpse of the Kings countenance: for in their delusion, they look upon it as some deified species, apprehending him to be much more than a man. And the third sort upon no terms can away with kingly Government. And that, because they delight in freedom, and the enriching of the Common wealth. We see, that the most witty and politicke Kingdoms we read of, did either extremely lessen the power of their Kings, or at last did shake off their yoke altogether, and that both in former and after times. See the Egyptian, Ethiopian, Indian, Arabian, Lacedemonian, Cretian, Cyrenian, Carthaginian, and Roman Kingdoms. And to say know we not, that the most witty and politicke Kingdoms of the world, which delight in the liberty of the Subject and wealth of the Republick, cannot away with kingly Government? So Venice, Florence, Holland, and England. What I pray you can be the reason, that England cannot away with kingly Government, and Scotland so much thirsteth after it? Speaking naturally, there can be no reason given; but because England is a witty and politicke Nation, and Scotland is not. What? doth not Aristotle, Polit. 3. cap. 1. & Pol. 4. cap. 13. impute it to the ignorance and unpoliticke of people, that in old, they did set-up Kings to reign over them? And in the same places he saith, That Policy abounding, and Common wealths-men encreasing, Kings were suffered no longer to govern. But although this be true, That people in after-times do not so much prize Monarchy, as in former times; and though even to day some kingdoms be lesse disposed for it, then other kingdoms, having shaken it off altogether: yet notwithstanding, I am constrained to say, That in respect of the general and common disposition of the people, nothing doth telish so much to them as kingly government. No wonder forsooth: for there are more who are malignant and haughty, desiring to set their feet upon the necks of others, then are politicke and witty. And besides this, the general and common sort of people are mortally ignorant and insensible of slavery. There are far more indeed of the first and second sort, then the third.

Assert. 4. *Kingly Government, consecutively, in respect of its fruits and*

consequences may be his, so much the better of all Governments.

This we make good: *Firstly*, from examples of those cannot be denied, but the good Kings, who in old did reign over the Jews, did set-up most glorious and eminent Reformations amongst the people. They most nobly reformed both Church and State. *2 Sam. 6. and 7. 1 King. 8. 1 Chron. 17. 15. 16. 17. 23. &c. 28. Psa. 101.* So much of David. *1 Of Solomon. 1 King. 1. 2. 5. 6. 7. &c. 8. 1 Chron. 1. 5. 6. 7. 28. &c. 29. 36. 37. 38. 39. 40. &c. 8.* Of *Ash. 1 King. 13. 2 Chron. 14. &c. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. &c. 31.* Of *Hosea. 1 King. 18. 2 Chron. 29. 30. &c. 31.* There is much also spoken of *Josiah*, in acting for Reformation. *2 King. 23. 2 Chron. 34. &c. 35.* See also *Josiah*, *2 Chron. 34. 35. 36. 37. 38. 39. 40.* concerning the actions of these Kings. They were so instrumental in setting-up the Work of God amongst the people, that therein they did far exceed the Judges. Hence is it, we do not read, the people of the Jews at any time so cheerfully, so fully, so speedily, and with such a plenary consent, to have gone about duty, as under the reign of these Kings. Under the conduct of the best Judges we read of great grudgings, altercations and slips amongst the people notwithstanding the non-consent of the Rulers thereof. *Exod. 32. Numk. 11. 12. 13. 14. 16. 20. &c. 25. Josh. 7. Jud. 2.* But we read not of any such slips amongst the people under these reforming Kings.

*Secondly*, Monarchy is attended with many noble properties, where-in it exceeds any other kind of Government. By virtue of which, now, and then here and there, it produceth more noble and eminent effects than any other Government. In reckoning-up these properties we observe *Bellarmin's* method. 1. Order. 2. Intense Authority. Whereby it preventeth division, and speedily attaineth its purpose. In this sense the Poet saith well,

*Regis ad exemplum.*

From the second property, *Darius* disputing for Monarchy against *Ottomans*, concludeth it to be the choicest of Governments, *Herod. lib. 3.* It made *Ulysses* to say,

*Οὐκ ἀγαθὸν πολυκρατεῖν.*

*In English.*

*That many rule it is not a good thing.*

*One Prince let be, [and let there be] one King.*

And therefore he sharply rebuked the dividing and murmuring *Grecians*, saying,

*In English.*

*We shall not, Grecians, in this place*

*All reign indeed in any case.*

From this *Isocrates* concludeth, Monarchy of all Governments simply to be the best, *ad Nic.* So do *Seneca*, *lib. 2. cap. 30.* *Athanafius*, *Orat. Adv. Idol.* *Hieronymus*, *par. 3. tract. 9. epist. 39.* and *Plutarch*, in *Num. & Sol.* But they are far mistaken: for this only concludeth, Monarchy *secundum quid* to be the choicest of Governments. Yea *Plato*, in *Polis.* *Aristotle*, *Eth. 8. cap. 10.* *Justine*, in *Or. exhort.* *Cyprian*, *tract. de idol. van.* in this respect call Monarchy the chiefest of Governments. Yet not simply and absolutely, as do *Isocrates*, *Darius*, and others. 3. Power and strength. For in so far as Monarchick Government is lesse obnoxious to division, and more attended with union then any of the rest, in as far it secureth and strengtheneth the Commonwealth more then any of them. The strength of the Kingdom dependeth from union, consent, and harmony. The contrary of this is the ruin of it, *Mat. 12.* Whence, after Kingly Government had perished amongst the *Romans*, many intestine divisions did ensue, as *D. Halicarnassus*, *Val. maximus*, *T. Livius*, *Fenestella*, *Plutarch*, *L. Annæus*, &c. do report. 4. Stability and durability. Now, it is attended with this propriety for these reasons. Firstly, because it is most authoritative and farthest from the subjects reach. Secondly, because it is lesse liable to division and confusion, then any of the rest of Governments. Because of these things it is more free, then any other Government, whether from forrain, or intestine jars. Hence is it, that amongst all Governments, it hath endured longest, as is agreed on by all Historians. I confesse, *Isocrates*, *Panath.* saith, That Democracy amongst the *Athenians* lasted 1000 years. But that cometh not up by many hundred years with the duration of the *Assyrian*, *Egyptian*, and other Kingdoms.

But in the interim we humbly desire *Bellarmino*, not to imagine the *Scythian* Kingdom to be of such antiquity and stability, that it is not only more ancient then any other Kingdom, but also as yet was never conquered by any forrain power: for though *Justine* doth alleadge no lesse (whose testimony *Bellarmino* citeth, *Lib. 1. de Rom. pont. cap. 2.*) yet notwithstanding the contrary is evident from *Berosus*, *ant. lib. 5.*

5. Facility of governing. This propriety floweth not only from the intenes of its authority, but also from its faculty of preventing division & confusion: for as by the one its purposes are speedily acquired and cheerfully gone about, so by the other distraction and diversity of opinions is removed. By virtue of all these proprieties Kingly Government *bis*, & *num.* of all Governments proveth the sweetest. But these Gentlemen, and Court-parasits, who because of these proprieties conclude, it simply and absolutely to be the choicest of Governments, must give me leave to say, they are a little mistaken: for at the most they conclude it to be *secundum quid* and in some respect, the chiefest Government. But *ακατα τιν, ἀπλως* non est consequens.

Assert. 5. Regulated and mixed Monarchy, per se and in is self, is of all Governments the sweetest: Firstly,



*Firstly* : Because *per se* and as it is in it self, it moderateth and removeth the evils of all Governments : for as it is monarchick, it preventeth division and confusion, the evils of Aristocracy, and Democracy. And as it is regulated and mixed, it obstructeth the foule emanations of tyranny. Who can deny, that to be the chiefeſt Government, *per se* and as it is in it self ; which *per se* and as it is in it self moderateth the evils of all Governments, and serveth to remove them ? Such is the case of regulated and mixed Monarchy.

*Secondly* : Because *per se* and as it is in it self, it doth partake of the good of all Governments: for so it is the *medium* of all Governments, composed and made-up of all their natures. And consequently it including within it all the degrees of political goodnesse as it is in it self ; in such a notion, cannot but be far more excellent then any kind of Government : for any other Government in it self doth only include one simple kind and degree *bonitatis politice*. And in this sense these say well, who affirm, Regulated and mixed Monarchy to be of all Governments the choicest. But they will do well to advert, that though it be so in its essentials and pure naturals, yet it is far otherwise in its accidentals and way of administration.

Assert. 6. *Monarchy*, consecutively, in respect of the fruits and effects, is may, and doth produce ; simply and absolutely, of all Governments is most dangerous, and least to be desired.

We establish it thus. *Firstly*, we make it good from Scripture-example. It cannot be denied, but as there were more evil Kings then good Kings amongst the *Jews*, so there was more evil done by the one, then good by the other. 1 Sam. 13. 14. 15. 22. 23. &c. 2 Sam. 21. 1 King. 12. 13. 14. 15. 16. 20. & 22. 2 King. 3. 8. 10. 13. 14. 15. 16. 17. 21. & 24. 2 Chron. 10. 11. 12. 18. 21. 22. 24. 25. 26. 27. 28. 33. & 36. What? doth not this hold-out to us, that there is greater danger and hazard to be expected and looked for at the hands of Kings then good ? So it fared with the people of the *Jews* at the hands of their Kings. Amongst them all there were but six good ; all the rest wicked. Of whom it is said, That they walked in the wayes of *Jeroboam*, who made *Israel* to sin. And it is not for nought, that such a causal epithet is most often registred in Scripture, and annexed to the wicked Kings of the *Jews*, 1 King. 15. 16. & 22. 2 King. 3. 10. 13. 14. & 15. Now let the indifferent Reader judge, whether or not that causal epithet be so often ascribed and given to them in vain. There is a great emphasis in that, *who made Israel to sin*. If we plumb the bottom of it arightly, we shall find, it coucheth as much as that Kingly Government is most dangerous, and produceth badest effects. And it is the more evident, by comparing the state of the *Jewish Commonwealth* under Kings, with the state of it as it were under Judges. *Peter Martyr* from severall pregnant reasons proveth, That the condition of the *Jews* was far better under the Judges, then under the Kings, *Com. in Judic. cap. 1.* His Reasons we digest thus, 1. The Judges did alwaies deliver them from misery and bondage.

bondage. *Judg.* 2. 3. 4. 5. 6. 7. 11. 12. 13. 14. 15. 16. & 20. Whereupon it is said, *Nevertheless the Lord raised up Judges, who delivered them out of the hand of those that spoiled them.* *Judg.* 2. But the King did not alwaies so. *1 Sam.* 28. & 29. *1 Kin.* 24. *2 Kin.* 6. 7. 12. 13. 16. & 17. *2 Chr.* 12. 18. 24. & 28. They oftentimes destroyed them, *1 Sam.* 22. *2 Sam.* 21. *1 Kin.* 18. & 22. *2 Kin.* 16. & 21. *2 Chr.* 24. They compelled them to slavery, to sodomy, and idolatry. 2. The people of the *Jews* were not led into captivity under the Judges, as they were under the Kings. *1 Kin.* 18. & 25. *2 Chr.* 36. Yea, under Judges, as is clear from the places above quoted touching them, the people were never brought into any misery and affliction because of them. They were not only ordained by God to deliver, and did deliver the *Jews* out of all their calamities; but also they laboured to keep them back from sinning, which was the cause of all their sorrows, *Judg.* 2. But the wicked Kings who did reign over them, not only did not dissuade them from committing iniquity; but also did draw them on unto the perpetrating of manifold and most grievous abominations: whence it was many sad and sore judgments were inflicted upon them. 3. There were very few good Kings. But we read not of any evil Judges, save *Abimelech* and *Samuel's* sons. And it is very observable, that because *Abimelech* perverted judgment, and usurping the authority, did reign as King, God judicially plagued him, *Judg.* 9. Yea, for the bribery of *Samuel's* sons, he rent the Kingdom from them. And it was no wonder, though the most part of the Judges were good, and few of them wicked. (1) Because (as *Peter Martyr* saith) in electing them they had no regard to their riches, but to their virtue and godlinesse, *Exod.* 18. and *Deut.* 1. (2) Because (as the same authour saith) they were not declared by the voices of men, but by the ordinance and inspiration of God. Posterity, or succession was here of no force, *Judg.* 2. And is remarkable, these two conditions being slighted, the Judges were corrupt and dissolute. But they being observed, they were ever found holy and much for the good of the people. Then tell me, is it any wonder though the *Jews* were in a far better condition under Judges, then under Kings? The Judges for the most part were holy. They alwaies exhorted the people from prophanity, alwaies delivered them from slavery, & at no time brought evil upon them. But the Kings for the most part were wicked, & the contrary effects were produced by them. This, as a speaking commentary, intimateth to us, That the condition of the people is most desperat and hazardous under Kings.

We cannot passe by the condition of the *Jews* after the captivity, as it was under Captains or Judges, and as it was under Kings. All the while they lived under Captains, their condition was most happy and blessed. Albeit at that time, now and then they were crossed with the bondage of strangers: yet were they free from intestine jars. Their Captains did not rise against them, and bring them under slavery, as did their Kings. Their  
zeal

zeal and forwardnesse in acting for the weal both of Church and Commonwealth, are fully registred in the books of *Ezra* and *Nehemiah*, *Mace.* 1. and 2. *Jos. ant. Jud. lib.* 12. and 13. And how much the Jews under the reign of Kings, after the captivity, suffered, is storied at length by *Josephus*, *ant. Jud. lib.* 13. 14. & 15. In a word, the case of the Jews under Kings being most desperat, far unlike the sweetnesse of their condition under Judges, it speaketh to us, That Kingly Government of all Governments is the most hazardous. What better fruits, I pray you, needeth any kingdom to expect at the hands of Kings, then the people of the Jews were served with at their hands? Verily, I suppose, we may expect rather worse then better fruits, then the people of the Jews were made to taste of under the reign of Kings.

Secondly, from the Lord's unwillingnesse to set-up Kingly Government amongst the people of the Jews, in remonstrating to them, the extreame hazard and tyranny they should lie under, if they subjected their necks thereto. This is seen, 1 *Sam.* 8. And for making good our purpose therefrom, we move the question, *Whether or not doth Samuel in it describe the office, or rather the tyranny of the King?* Royallists do proudly aver, That in it is understood the Office and Law of the King. And none herein is more forward then *Salmasius*, *Def. Reg. cap.* 2. & 5. But that we may dispatch the businesse between us, we shall firstly try the sense of *וְיִסְדּוּ וְיִיָּדוּ מִשְׁפָּט וְחֶמֶן אֲתָם* what may be imported in the original text. *וְיִסְדּוּ וְיִיָּדוּ מִשְׁפָּט וְחֶמֶן אֲתָם* *And he said, This shall be the manner of that King, who shall reign over you.* But *Salmasius* starteth very much at this translation. And for manner, he placeth law, or right. So the man will have *מִשְׁפָּט* to signifye. Yea, but he is far mistaken. Firstly, because in many places of Scripture we find the word *מִשְׁפָּט* taken for manner, consuetude, or custom, *Gen.* 40. *Exod.* 21. *Numb.* 29. *Josb.* 6. 1 *Sam.* 24. 1 *Sam.* 27. 1 *King.* 18. But a place or two we expresse for further clearing this purpose, *עַד הַיּוֹם* *וְהָיוּ עֹשִׂים כְּמִשְׁפָּטֵי הָרִאשֹׁנִים* *And they are doing unto this very day, after their former manners* 2 *Kin.* 17. --- *וְהָיוּ עֹשִׂים כְּמִשְׁפָּטֵיהֶם אֲלֵהֶם* *And their customs keep not* --- *Ezek.* 20. Secondly, because it is the ordinary and common translation. So the *Chaldee Paraphrast* translateth, *וְיִסְדּוּ וְיִיָּדוּ מִשְׁפָּט וְחֶמֶן* thus, *וְיִסְדּוּ וְיִיָּדוּ מִשְׁפָּט וְחֶמֶן* *Now מִשְׁפָּט is one and the same with מִשְׁפָּט* And it is to be rendered manner. *Josephus*, *ant. Jud. lib.* 6. *cap.* 40. is close of our judgment. And *Cl. Alexandrinus* in plain termes saith, That the Lord doth not promise them a King, but threatneth them with a Tyrant. And *Salmasius*, though he leaneth to humane authority, yet he standeth not to say, That *Clement*, and all, who expound the words contrary to his mind, do erre, *Def. Reg. cap.* 5. I suppose, the man is for nothing, but what is for him. *Ex ungue Leonem.* But we have many more Interpreters and Writers of our judgment. *Beda*, *lib.* 2. in *expof. Sam. Glos. interl. Hug. Card. Lyr. Cajet. Serar. Corn. a lup. & Mend. in loc. Rust. Abul. in 1 Reg. cap. 3. quest. 17. Rebuf. tract de incog. Calv. in loc. P. Mart. in loc.*

ios, Jam, Trem, Rex. Diop. Pise. & Brent, in los. So saith Buchanan, de jur. reg. ap. Scot.

I confesse the Septuagints render  $\tau\eta\sigma\epsilon\tau\epsilon\tau\epsilon$   $\delta\iota\kappa\alpha\sigma\iota\mu\alpha$   $\tau\eta$   $\beta\alpha\sigma\iota\lambda\epsilon\iota\alpha\varsigma$ . And this *Salmastus* runneth-to, as to a strong-tower, withall further al-leading that sometime they translate  $\omega\sigma\omega\tau$ ,  $\delta\epsilon$   $\kappa\alpha\theta\eta\kappa\epsilon\iota$ , Def. Reg. cap. 2. But he buildeth upon a sandy foundation. We make not reckoning how the Septuagints elsewhere translate it. They do also in some places render it  $\tau\eta$   $\kappa\epsilon\iota\mu\epsilon\iota$ . The word in it-self hath diverse significations. But to our purpose, we contend that here it signifieth nothing, but manner or custome. And though  $\delta\iota\kappa\alpha$ , from which  $\delta\iota\kappa\alpha\sigma\iota\mu\alpha$  hath it's arisal, properly signifieth *ius*, *justitia*, and *fas*, yet improperly it is called *ritus*, *mos*, and *consuetudo*. It is said  $\chi\eta$   $\gamma\alpha\rho$   $\delta\iota\mu\omega\sigma\iota$   $\delta\iota\kappa\eta$   $\epsilon\sigma\tau\iota$ . Hom. Odyf. And likewise  $\epsilon\gamma$   $\beta\epsilon\sigma\iota\sigma\iota$   $\pi\omega\lambda\lambda\alpha\iota\varsigma$   $\pi\omicron\tau\alpha\mu\epsilon\omega\varsigma$   $\delta\iota\kappa\eta\iota$ . Arist. de mun. According to this latter sense we understand the meaning of the Seventy.

Thirdly, we clear it evidently from the text it-self. And that according to these reasons. 1. Because the LORD commanded *Samuel* to describe to them the State and condition of the King, to use it as a motive for dissuading them from following-out such a desire. -- Howbeit yet protest solemnly unto them, and shew them the manner of the King that shall reign over them, i. e. before thou shalt set a King over them, thou shalt protest solemnly against it. And in so doing, thou shalt draw arguments and motives of dissuading them from their purpose, from the very condition and nature of the King that shall reign over them. And R. Judas speaking on the place, saith, that what the LORD commanded *Samuel* to speak did serve to strike a terror in the hearts of the people. *Salmastus* vainly shiffteth this, as subtilly he expoundeth that of R. Jese, *Quicquid dicitur in capite de Rege, cum Regum jus habere*, to relate to 1 Sam. 8. and not to Deut. 17 Def. reg. cap. 2. Howsoever see what *Josephus* saith. Now I command thee to make them a King, whom I shall design. But before thou shalt do so, forewarn them of the great evils that shall ensue thereupon, and protest that in so doing they cast themselves loose of a good estate into a worse. Ant. Jud. lib. 6 cap. 4. To this same purpose Brent speaketh more plainly and largely, Hom. 26. in 1 Sam. cap. 8. Now tell me if  $\tau\eta\sigma\epsilon\tau\epsilon\tau\epsilon$  were to be understood concerning the office and right of the King, how could *Samuel* have objected it as a dissuading argument, to alienate the people's minde from seeking after Kingly government? Either he here speaketh of lawfull, or unlawfull power. If of lawfull power, either he describeth to the people the good or the bad of it. If the good, ergo he did not protest against the power, but whereas he should have dissuaded the people from seeking after it, he tacitely perswadeth them thereto: for how much more the excellency and goodnesse of a thing is pointed-out, so much more it is desired-after. And to say that *Samuel* did not dissuade them therefrom, but perswaded them thereto, is to avouch that either he did



did argue against himself, and militate against his own purpose, or else that he acted contrary to his Commission from GOD. The LORD commanded him solemnly to protest, and disswade them from their purpose. He would have him to lay-out before their eyes the dangerousness of Kingly power, to strike terror in their hearts that they might forbear longer to desire it. If you come to my hand and say, that the Prophet in this place onely speaketh of unlawfull power, or of the bad of a lawfull power, I obtain my desire. I seek no more then that you say, he speaketh here of the abuse, and not the use of Kingly power. And I know, the abuse of Kingly power is not the right, but the wrong of it.

2. Because the Prophet in describing the manner of the King, setteth down acts of tyranny, not of lawfull authority. We take up the description it-self under a general and particular notion. The generall, -- *Ye shall be his servants.* He shall beslave you, and make you serve him according to his pleasure. Which made *Josephus* say, *And that I may speak it in a word, ye together with all yours, shall serve the King, no otherwise then his own domestick servants.* Ant. Jud. lib. 6. cap. 4. See plain language in *Brent.* to this purpose, *Num.* 27. in 1 Sam. 8. The particular notion hath severall parts in it. Firstly, in order to the King's tyrannizing over the sons of the people. *He will take your sons, &c.* As if he had said, your King shall make you sonlesse. He shall beslave them to his service, employing some in one office, and some in another. And in all these employments, whether base or not, neither ye, nor your sons, shall be holden as free-men, but all the fruits of your labours shall turn-over into the King's privat advantage. Whereupon *Josephus* himself bringeth in *Samuel* speaking, *that he would declare to them, who should be their king, but adding, that he would first shew them what things they would suffer under a king, and with how great disadvantages they would live under him. Therefore ye shall firstly know, that he will take from you your children, and he shall make some of them drivers of Chariots, &c. So that there shall be nothing which he shall not constrain them to do, after the manner of bought slaves.* Ant. Jud. lib. 6. cap. 4. In this *Josephus* much agreeth with these words in the original text. וְיִקַּח מִבְּנֵיכֶם Which in their proper & rigorous signification are rendered, *he will quite take-away your sons.* But we judge it not to be an Act of Regal power, but of meer tyranny, to denude the parent altogether of his child, and the King to dispose of him at his pleasure. For this *Brent* gallantly speaketh, *loc. cit.* Secondly, In order to the King's away-taking of the daughters of the people. -- *He will take your daughters to be confectonaries, and to be cooks, and to be bakers.* As if he had said, He shall not only make you sonlesse, but daughterlesse also. And as he will make slaves of the one, so likewise of the other. Now וְיִקַּח is also in the original of this text. And it proportioneth a ravenous and cruel away-taking. But hear *Josephus.* *Kings will make confectonaries of your daughters for their own use, kitchen-women, dressers of cloath, and they shall compel them to do any other service,*

service, which damself for fear of strokes do perform. *Loc. cit.* Nay, but *Brent*, for *cit.* is more full and plain. Thirdly, in order to the King's away-taking of their possessions. *And he will take your fields, &c.* It may be you think, that your sons, and your daughters will be well taken-off your hands, and though he should wrong them, he will not wrong your selves. Peradventure you imagine, his tyranny will take a stand there. Nay, but I tell you, if he take away your sons, and daughters, he will also take away your substance. And well know I, if you get any courtesie at his hand, ye'll have little reason to boast of it. He will take the tenth from you. Sure I am, he will have so little respect to you, to your children that serve him, and to your pains in gathering riches together, that what ye gain through the sweat of your brows, he will let it out to any base fellow in his Court, and ye dare not say it is evil done. If this be not an act of tyranny (saith *Pisator*) then had not God punished *Abah*, for taking-away *Nabush's* vineyard. *Abah* according to Law should have possessed it. *Schol. in 1 Sam. 8.* See *Josephus*, & *Brent*, *loc. cit.* Fourthly, In order to his away-taking of the people's servants. *And he will take your men-servants, and your maid-servants, and your goodliest young-men, and put them to his work.* *Tip* is also in the original of this text. His tyranny shall not end at your sons and daughters, and at your possessions, but he shall violently rob you of your servants. And if he take not all of them, be sure, he will take the chiefest of them. See *plain Brent*, *ibid.* Fifthly, In relation to his away-taking of their sheep. *He will take away the tenth of your sheep.* He will not leave you so much as a Sheep's tail. At least he will take the tenth of them.

3. The consequent and event both of the general, and particular part of the description, is the effect of tyranny, not of lawful authority. *Ye shall cry-out in that day, because of your King whom ye shall have chosen you* -- We are sure, that the people would never cry-out, for exercising the just and lawful Acts of Regal Authority. Thereby justice is promoted, and vice is punished. Which is a blessing, and not a bondage for people, to make them cry-out in bitterness of spirit. Thus it is abundantly made good, that *Samuel* here doth not describe the power, but the tyranny of the King. Now in-starteth another question, *Whether or not, doth the Prophet in this place, dissuade the Jews from seeking a King, as a King?* To which we answer affirmatively, and prove it thus: If the Prophet doth not dissuade the people from seeking a King, under the notion of a King, then either because he only taxeth carnal confidence in them, or arrogance and pride, or precipitation only, or else because they sought a King after the manner of the Nations. But none of these Reasons, whether conjunctly, or severally, are the adequate object of the Prophets dissuasion.

Firstly, Because it is said, That *Samuel* was displeased, because they sought a King. The text is not, *But the thing displeased Samuel, when they said, We will have confidence in a King, &c.* But it is, *The thing displeased*

sed Samuel, when they said, Give us a King. 'Tis wrong Logick to take a King, in esse accidentalit. At least, 'tis very far fetched Philolophy, to take it under some extrinsecal and adjunctive notion or other. See *Josephus loc. cit. & Brent. born. 27. in 1 Sam. 8.* Secondly, Because God expressly commandeth Samuel, solemnly to protest against the election of a King. But if the Prophet should only have taxed them for incredulity, arrogance, &c, then should the Lord only have given Samuel orders, to dissuade them from these evils, in laying-out before them the wickednes thereof. But the Prophet only layeth-out before them the danger of Monarchy, &c expressly dissuadeth them therefrom. Who can imagin, if his main & only purpose had been for dissuading them from these evils, and not from setting-up Royal Government amongst them, but he would rather have turned his face against these evils, in spreading-out the dangers thereof before their face, then in pointing-out to them the evil of Monarchy? Verily, were it so, he had harped upon the wrong string: Thirdly, The people's answer is in reference to Samuel's reasoning. Nay but (say they) we will have a king over us. This had been a very uncategoryck answer, yea plain non-sense; if Samuel had been only taxing them for carnal confidence, arrogance, &c and dehorting them therefrom. Fourthly, Because we have shewed already, That Samuel, according to God's Commandment, draweth motives from acts of tyranny that the King would exercise, to dissuade the people from seeking after him. Would he say, Ye think your King will fight your battels, and save you from forraign invasion. Well, let it be so. But I'll tell you the King himself will tyrannize over you. Get him when you will, I warrant ye shall not be free of intestine trouble. Nothing is so evil as that. It is worse then forraign war. Therefore ye will do well to keep your selves free of him, so long as ye want him. Fifthly, Whereas the Lord tacitly rebuketh them of carnal confidence, in these words, *They have rejected Me, that I should not reign over them.* he likewise in them insinuateth a reproof in order to their shaking-off the Government which he had instituted amongst them. It was God's Ordinance; yea the chiefest of its own kind. But whosoever shaketh-off though the least of God's Ordinances, doth shake-off God Himself. *Rom. 13.* I mean in a preposterous and carnal way, delighting in change, and going from the better to the worse. So did the people of the Jews at this time. Therefore God reproving them as rejecters of Democracy, by way of consequence he checketh them as suiters of Monarchy: for he could no waies have rebuked them for rejecting the one, if he had not altogether allowed them in seeking after the other. Sixthly, They are reprehended and taxed expressly for seeking after a King. --- *I will call unto the LORD, that ye may perceive and see, that your wickedness is great which ye have done in the sight of the LORD, in asking you a King.* --- And all the people said unto Samuel, Pray for thy servants, unto the LORD thy God, above us: for we have added to all our sin this evil to ask a king. To be sure of this wickedness, --- *1 Sam. 12.* Let the indifferent Reader judge now, whether or not the Spi-

fit of GOD in these words doth manifestly reprove them as they had sought after a king. The Royallist would do well not to imagin, that these things do exclude the Prophet's dissuading the people's seeking a king, as a king. They rather include then exclude the king in this notion. And so Royallists in propounding these reasons, proceed a *Divisione*. They take *inadequatum*, for *adequatum*; the part for the whole.

But for the more satisfactory resolution of the fourth particular, we demand, whether or not the Prophet doth tax the Jews, in seeking a King after the manner of the Nations, as they sought a King, or as they sought a tyrannous King? If the former, we gain the point. But the other is builded upon a mis-supposition. 1. Because it is altogether repugnant to Nature, earnestly to thirst after tyranny, oppression and misery. The like was never heard amongst any people, though never so rude and barbarous; far lesse amongst the people of the Jews, to whom were given the Statutes and Ordinances, and who in seeking a King, covered their knavery with fair pretences. 2. They seek a King, as they suppose, to be free of tyranny; and injustice done by Samuel's sons who judged them for the time. That did set them a-work to seek a King. 3. Having gathered themselves together, in seeking a King from Samuel, they add this to their discourse, *Thou art old*. Would they say, not onely thy sons oppress us and pervert righteous judgement, but even thou thy self art unfit to judge us. Old age hat rendered thee unable dexterously to go about matters of judgment. Therefore let us have a King who wil supply thy wants. One who will judge us justly as thou didst in the time of thy youth. Let us have a King to judge us uprightly, as thou didst, and not unjustly as do thy sons. Now let any rational man judge, if such people who sought a King under such fair pretences, for promoting vertue, and removing vice, would ever have sought a King to tyrannize over them. See *Josephus, ant. Jud. lib. 6. cap. 4.* and *Brent. hom. 25. in 1 Sam. 8.* 'Tis remarkable, *Salmasius* will not let it be heard, that they sought a tyrannous king, *Def. reg. cap. 2.* And it can not be said, that all the kings of of the nations at that time were tyrants. This is shewed already, and somewhat illustrated by *Salmasius, loc. cit.* In the interim, I humbly desire *Salmasius* that he speak without reflection, and more modestly then he doth. He insinuateth, that what Samuel did in dissuading the people, from seeking a king, that he did it through by-respect and self-interest. But we have shewed, that what he spake against their course, was from GOD's expresse and positive command. He did not dissuade them from it, for his own good, but their good. He shewed them they would be in a far worse condition under kings then under Judges. It was not for the advantage of his sons, but for the advantage of the people, that he condescended to grant their desire. So is manifested already. This man is so malicious, that he spareth not to traduce GOD also. He alleadgeth, what God did, in keeping back the people from following out their desire; was so



gratified Samuel, Poor man, doth he imagine that ever God would have connived with Samuel, and put words in his mouth, to dissuade the people from following out their desire, if it had been for his glory, and their well-fare? Vtily, this argueth, that God did prefer the gratification of Samuel to his own honour, and that which conduced most thereto, and the well-fare of his people. This Gentle-man needeth not boast that *Moses*, Deut. 17. foretold the up-setting of kingly government amongst the Jews. This he did not, because he allowed it, and preferred it to the government which he firstly instituted amongst them. The LORD commanded Samuel to hearken to the peoples voice and condescend to their desire. Yet it doth not follow that God allowed it. He commanded Samuel positively to protest against it, and dissuade them therefrom, by displaying the evils thereof. So *Moses* through the Spirit of prediction, infallibly foreseeing the Jews in their stiff-neckednes, and pride of heart, would undoubtedly seek-after, and set-up kingly government amongst them, thereupon taketh occasion to prescribe a true plat-form of constituting and moulding kings. And to this day it serveth as a morall rule, according to which the structure of kingly government should be squared. Thus the Holy Ghost bringeth forth a most good effect from the foresight of their evil and sinister purpose. We can stay no longer here, but only put the Reader in mind of this, that it is not for nought God denied his applause and consent in setting-up Kings amongst the Jews. That is a strange word, *They have set-up Kings, but not by me; they have made Princes, and I knew [it] not.* Hos. 8. I confesse, this mainly relateth to the Kings of the ten Tribes. Yet you must give me leave to say, That it is spoken also in order to all the Kings of the Jews. Would the authour of the exercitation, conc. usurp. pow. ch. 1. compare this place with 1 Sam. 8. he would find, that God as much disowned the one King as the other. I suppose, this is not a word of applause, but dis-assent, in making Saul King, *I gave thee a King in mine anger, and took [him] away in my wrath.* Hos. 13. Sure I am, this is spoken against the King, both of *Israel* and *Judab*. It cannot be denied, but the direct and main strain of this Prophet is against the ten Tribes, and the Kings thereof. Yet he hinteth both at *Judab*, and *Israel*, and their Kings, as occasion serveth. In things common to both, he speaketh of both. So he doth in the text immediatly fore-going. Sure I am both *Israel* and *Judab* had hand in seeking Saul to reign over them. Not only *Israel*, but *Judab* said, *Give me a King and Princes.* And why shall we not think, that the former text speaketh likewise of the Kings of *Judab* and those who did reign over both? The Lord's dislike and dis-owning of Kings, is as much in the one text as in the other. And sure I am *Jeroboam* was as notably called both by God, and the ten Tribes to reign over them, 1 Kin. 11. & 12. 2 Chron. 10. as Saul was to reign over *Judab*, and *Israel*. Howsoever, I deny not Kingly Government to be from God. I

confess

confesse, God *effectively* called Saul to reign over the Jews. So did he David, Solomon, and others, whom he called to reign in a most special way. Yea, he gave an hereditary assignation to David's posterity to the Crown upon conditions. But what then? This only saith, that Kingly Government is good, and in some cases much approved of God. Yet it never concludeth, that it is the best of Governments, most approved of God, and that the people of the Jews did not sin in setting-up it, and shaking-off another. It is laid before your eyes, that of all Governments it is the most dangerous. And seeing the Lord did extremely decline the setting-up of Kingly Government amongst the Jews, how much more to day amongst us? Beside all moral reasons, there was a special typical reason for Monarchy amongst the Jews. Under the Law, not only Christ's Prophetical, and Priestly Office, *Acts 3. Heb. 8. 9. & 10.* but also his Kingly-hood behaved to be typified, both in substance and circumstances, *Gen. 49. 2 Sam. 7. 1 Kin. 8. 2 Chr. 6. Psa. 2. Luke 1. Acts 2. Heb. 1.* But I hope, none under the Gospel can shew me such pressing grounds, why Kingly Government to day should be erected. None verily. Well, let them therefore advert, That people under the Gospel have more then reason for them, to shake-off and decline Monarchy. They have not so much reason for it as the Jews had. And yet the Lord much disowned it amongst them, and much dis-assented from them in setting it up. What I pray you is the language of this, but that of all Governments it is most dangerous? And that it is so, is more then manifest from Samuel's way of characterizing it.

Very reason it self teacheth the point. *Firstly*, because the bad consequence of Monarchy is tyranny. *1 Sam. 8.* I deny not, but it may, and doth flow also from other Governments: yet not ordinarily and properly. Properly and ordinarily, such have for their bad consequences, division, and confusion. But it must needs be granted, that tyranny in it-self is worse then either of these. And that, both *formally* and *virtually*. *Formally*, because tyranny, as tyranny, is positive and even-down oppression. But division, as division, and confusion, as confusion, cannot be so called. Otherwise the division and confusion of integral parts, should formally be tyranny and oppression. *Virtually*, because tyranny in its proper and rigorous acceptation presupposeth a meer and absolute passiveness in the parts oppressed and enthralled. But the case is far otherwise in respect of division and confusion. As they only beget oppression and thralldom *per accidens*, so they presuppose mutual resistance on both sides. They do not imply an absolute and simple passiveness on either of the sides. Both parties fall at variance, and both stand to their own defence, the one against the other. And so the one acting against the other, neither of them doth simply suffer. But absolute thralldom is worse then that which is non-absolute. For acts of tyranny read *Exod. 1. & 3. Judg. 1. & 9. 2 Sam. 21. 1 King. 13. 18. 19. &c. 2 King. 21. Eph. 3. Jer. 38. & 39. Dan. 2. & 3.*

*Mat. 2. 14. & 27. Mark 6. Luke 23. Acts 12. Apocryphal books; Tob. 1. Jud. 2. & 3. Eccles. 1. 5. 6. 10. & 13. 2 Macc. 4. 6. 7. & 14. To this day there be many notable expressions and narrations, which point-out to us that tyranny is of all evils the most dangerous and violent. Herod. lib. 3. Thucyd. lib. 2. Polyb. lib. 3. Tac. in vit. Agric. Porn. de lib. Get. lib. Antisthenes being asked, why he preferred hangmen to tyrants, he answered, By the hangman the unjust, and by the tyrant, the just are cut-off. Stob. serm. 47. It was demanded at Diogenes, after what manner the tyrant Dionysius did use his friends? he answered, He killeth the rich, and neglecteth the poor. Diog. La. lib. 6. And Bias being asked, What amongst living creatures was most pernicious? he answered, A Tyrant. Plut. We cannot passe by a most excellent story of the tyrant Dionysius. All the Syracusians, excepting the old woman, *Hemera*, did pray for his death. Which being imparted to the tyrant, he asked her, why she prayed for long life to him? She answered, When I was young, a grievous tyrant reigning over us, I prayed, that he might be taken away. To whom one worse succeeded. I prayed for his death also. To whom thou *Dionysius*, worse then either of them succeeded. And now I pray for the lengthning of thy dayes, lest one worse then thy self should come in thy room. *Brusl. lib. 6. cap. 21.* That must be of a strange stamp, which can make very Ethnicks to pray against it. Mark, to pray for the continuing of it, to prevent another of its own kind worse then it self. *Fr. Pat. Senonius* saith, Tyranny devoureth after death, lib. 10. cap. 3. All which bear us in hand, that of all things tyranny is most dangerous and cruel. And it being the ordinary and proper bad consequence of Monarchy, who can deny Monarchy to be of a I Governments the most dangerous?*

Secondly. Kingly Government, as is said already, is most authoritative and of more commanding faculty then any other. And consequently, as a good King by his example, may, and doth draw the people into obedience and due performance, so an evil King may, and doth by his example enslave the people. So *Claudian*,

*Regis ad exemplum totus componitur orbis.*

What? doth not the holy Ghost say, Riches beget friends, *Prov. 14. and 19.* And many do intreat the favour of the Prince, *Prov. 19. and 29.* This storied, that the Souldiers of *Ant. Epimanes*, a most lecherous King, did imitate his prophane and bad example, *Val. max. lib. 9. cap. 1.* Many of the *Juacynsians* did follow the evil example of the tyrant *Dionysius*. *Plut.* Whence is concluded, *Plerique magis actiones aliorum, quam libere pravos, imitantur, quoniam infortunia eorum cadunt.* *Dion. lib. 53.* If the King be altogether wicked, as ordinarily he is. (More Tyrants then Kings. Few of them in any age friends to Christ. Most part of them destroyers of the Commonwealth.) Oh! in how great danger under such doth Religion stand; and are the Liberties of the subject exposed to? Tell not me of a regulated King. This but a playing fast and loose. *Aristotle, Pol. 5. cap. 3.* saith, The least thing

of the Law is not to be changed. This he saith, because it maketh way for the abrogating of the whole Law. He falleth upon that principle,

*Principiis obsta, sero medicina paratur.*

Set-up to day regulated Monarchy, and to morrow it shall be absolute. If the King once get-in his little finger, he shall soon thrust-in his whole body. Small beginnings can produce great effects? 'Tis good to kill them in the birth. Make *Cæsar* perpetuall Dictator, *Augustus* shall become absolute Emperour. One degree bringeth on another. The least of Kings hath greater favour and power with the people, then the greatest of Councils. All will be called his. The word *subditi* is current then. But *æquales* is detestable. If *Alexander's* neck be crooked, all his Courtiers must hang their heads to that side. I know not what the most of people for the Prince's favour, be what he will, regulated or absolute, will not do. Tell me, if he be not for GOD, and the good of the people, do not both Religion and the Commonwealth stand in greatest hazard? This dolefull experience teacheth in all ages. Of our judgment are *Jos. ant. lib. 4. cap. 8. lib. 6. c. 4.*, *Mat. Agr. de insip. Reg. Tb. Mor. anonym. monit. lib. 2.* *Brent hom. 25. in 1 Sam. 8.* *Pet. Mart. com. in Jud. cap. 1.* *Virg. Malvez. disc. 39.* See also *Buchanan de Jur. Reg. ap. Scot.*

### SECT. III.

*Whether or not is a Common-wealth the best of Governments?*

*Royalists*

**W**E know, ~~Royalists~~ hold the *Querie* absurd. But with their leave, I freely offer my judgment in the following Assertion.

**Assert.** Without all controversie, Democracy arightly instituted, simply and absolutely, is of all Governments the sweetest, and contributeth most to the good of the people.

In establishing this, we observe this order. *Firstly*, from the first and primary institution of the *Jewish Commonwealth*. It cannot be denied, but it was popular and democratick, and that for these reasons. 1. Because the Judges and Rulers of *Israel* were not choosed and set apart upon the accompt of any nationall and carnall priviledge. The Holy Ghost giveth them no preeminence above their brethren, for old descent, worldly honour and riches. Men to govern in it were not choosed for their riches, nobility, and blood-respects. No verily, They had open place to govern because of vertue and godlinesse. Moreover thou shalt provide --- able men, such as fear God, men of truth, bating covetousnesse, and place [such] over them [to be] rulers, --- and let them judge the people at all seasons, --- And *Moses* choosed able men, --- and made them heads over the people, rulers,



And they judged the people in all seasons. Exod. 18. Mark, there is not a word here of choosing the rich and honorable, or of any carnall or blood-tie. The Judges that are choosed, are men qualified, vertuous, and godly, able to discharge their trust. And this was not onely required in inferiour Judges, but even in the higher Judges also, members of the Sanhedrin. The Seventy were wise men, and understanding, and known amongst the tribes. Deut. 1. They were not choosed at randome, or at all adventures. No verily: They were selected out from amongst the Judges, spoken of Ex. 18. And the LORD said unto Moses, Gather unto me seventy men of the elders of Israel, whom thou knowest to be the elders of the people, and officers over them. Num. 11. Now it is shewed, that such men were vertuous and godly, able for places of trust. And yet the LORD rested not satisfied therewith, but being about to entrust them with higher matters, he doubleth the spirit upon them. And I will come down, and talk with thee there, and I will take of the spirit which is upon thee, and will put [it] upon them; and they shall bear the burden of the people with thee, that thou bear. [it] not thy self alone. And the LORD came down in a cloud, and spake unto him, and took of the spirit that was upon him, and gave it unto the seventy elders. Num. 11. Neither can it be denied, but those who were called Judges were so, by way of excellency, were most eminently qualified far beyond any other. GOD had a most speciall hand in calling them to the charge. Judges. So Moses, Joshua, &c. Tell me, I pray you, have not we more then reason to say, That the first and primary Government amongst the people of the Jews was popular? I denie not, but qualification may be looked-to, and have place both in Monarchy and Optimacy. But observe, both of these Governments in their best institution, do look to riches and honour as a necessary condition. As for Monarchy, there is no question. And Aristotle distinguisheth between the government of few, and Optimacy. Both which ordinarily passe under the notion of Aristocracy, and Oligarchy (saith he) onely looketh to riches and honour, Pol. 4. cap. 5. as Optimacy doth both to riches and vertue. cap. 7. Thus whether in Monarchy, or Aristocracy in their most reformed condition, not onely qualification is looked-to, but also naturall privileges are required as necessary conditions. But we hear not a word of any naturall privilege in choosing and setting apart the Judges and Rulers of the Jewish first Commonwealth. There is not a word spoken of their riches and honour, but of their abilities for the discharge of their trust. The Holy Ghost saith not, The wise men, rich and honorable, together with the heirs of the Rulers, were appointed to govern. There is not a word of any such naturall respect. And do you imagine that the Holy Ghost at any time would have past by in silence, these naturall privileges, if they had been required as necessary conditions in the Judges and Rulers of the Jews? Well, is it so, that according to the Holy Ghosts way, onely the vertuous and godly should govern, and none other did bear rule in the

of the Law is not to be changed. This he saith, because it maketh way for the abrogating of the whole Law. He falleth upon that principle,

*Principiis obsta, sero medicina paratur.*

Set-up to day regulated Monarchy, and to morrow it shall be absolute. If the King once get-in his little finger, he shall soon thrust-in his whole body. Small beginnings can produce great effects? 'Tis good to kill them in the birth. Make *Cæsar* perpetuall Dictator, *Augustus* shall become absolute Emperour. One degree bringeth on another. The least of Kings hath greater favour and power with the people, then the greatest of Councils. All will be called his. The word *subditi* is current then. But *equales* is detestable. If *Alexander's* neck be crooked, all his Courtiers must hang their heads to that side. I know not what the most of people for the Prince's favour, be what he will, regulated or absolute, will not do. Tell me, if he be not for G O D, and the good of the people, do not both Religion and the Commonwealth stand in greatest hazard? This dolefull experience teacheth in all ages. Of our judgement are *Jos. ant. lib. 4. cap. 8. lib. 6. c. 4.*, *Mat. Agr. de insip. Reg. Tb. Mor. anonym. monit. lib. 2.* *Brent hom. 25. in 1 Sam. 8.* *Pet. Mart. com. in Jud. cap. 1.* *Virg. Malvez. diff. 39.* See also *Buchanan de Jur. Reg. ap. Scot.*

### SECT. III.

*Whether or not is a Common-wealth the best of Governments?*

*Royalists*

**W**E know, ~~that~~ hold the *Querie* absurd. But with their leave, I freely offer my judgement in the following Assertion.

*Assert.* Without all controversie, Democracy arightly instituted, simply and absolutely, is of all Governments the sweetest, and contributeth most to the good of the people.

In establishing this, we observe this order. Firstly, from the first and primary institution of the *Jewish Commonwealth*. It cannot be denied, but it was popular and democratick, and that for these reasons. 1. Because the Judges and Rulers of *Israel* were not choosed and set-apart upon the accompt of any nationall and carnall priviledge. The Holy Ghost giveth them no preeminence above their brethren, for old descent, worldly honour and riches. Men to govern in it were not choosed for their riches, nobility, and blood-respects. No verily, They had onely place to govern because of vertue and godlinesse. Moreover thou shalt provide --- able men, such as fear God, men of truth, bating covetousnesse, and place [such] over them [to be] rulers, --- and let them judge the people at all seasons, --- And *Moses* choosed able men, --- and made them heads over the people, rulers,

*1st.* And they judged the people as all *Exod. 18.* *Mark. 13.* not a word here of choosing the rich and honorable, or of any carnall or blood-tie. The Judges that are choiced, are men qualified, vertuous, and godly, able to discharge their trust. And this was not onely required in inferiour Judges, but even in the higher Judges also, members of the San-drin. The Seventy were *wisemen, and understanding, and known amongst the tribes. Deut. 1.* They were not choiced at randome, or at all ad-ventures. No verily: They were selected out from amongst the Judges, spoken of *Ex. 18.* And the L O R D said unto Moles, Gather unto me seventy men of the elders of Israel, whom thou knowest to be the elders of the people, and officers over them, --- *Num. 11. 16.* Now it is shewed, that such men were vertuous and godly, able for places of trust. And yet the L O R D rested not satisfied therewith, but being about to entrust them with higher mat-ters, he doubleth the spirit upon them. And I will come down, and talk with thee there, and I will take of the spirit which is upon thee, and will put [it] upon them, and they shall bear the burden of the people with thee, that thou bear [it] not thy-self alone. --- And the L O R D came down in a cloud, and spake unto him, and took of the spirit that was upon him, and gave it unto the seventy elders. *Num. 11.* Neither can it be denied, but those who were called Judges *Mat. 23. 2.* by way of excellency, were most eminently qualified far be-yond any other. G O D had a most special hand in calling them to the charge. *Judg. 2.* So *Moses. Joshua. &c.* Tell me, I pray you have not we more then reason to say, That the first and primary Government amongst the people of the Jews was popular? I denie not, but qualification may be looked-to, and have place both in Monarchy and Optimacy. But ob-serve, both of these Governments in their best institution, do look to riches and honour as a necessary condition. As for Monarchy there is no question. And Aristotle distinguisheth between the government of few, and Optimacy. Both which ordinarily passe under the notion of A-ristocracy. And Oligarchy (saith he) onely looketh to riches and ho-nour, *Pol. 4. cap. 5.* as Optimacy doth both to riches and vertue. *cap. 7.* Thus whether in Monarchy, or Aristocracy in their most reformed con-dition, not onely qualification is looked-to, but also naturall priviledges are required as necessary conditions. But we hear not a word of any naturall priviledge in choosing and setting-apart the Judges and Rulers of the Jewish first Commonwealt. There is not a word spoken of their ri-ches and honour, but of their abilities for the discharge of their trust. The Holy Ghost saith not, The wise men, rich and honorable, together with the heirs of the Rulers, were appointed to govern. There is not a word of any such naturall respect. And do you imagine that the Holy Ghost at any time would have past by in silence, these naturall priviledges, if they had been required as necessary conditions in the Judges and Rulers of the Jews? Well, is it so that according to the Holy Ghost's way, on-ly the vertuous and godly should govern, and none other did bear rule in the

the first institution of the Jewish Commonwealth: why shall we imagine, but the people did bear rule amongst them? I hope you will not say, that virtue and godlinesse is not to be found amongst the people, but amongst the great ones. The contrary is rather true. 'Tis hard for a rich man to enter Heaven, *Mat. 19. Job 32. 1 Cor. 13. 26. 27. 28. 29.* 'Tis observable at this time there was but small difference amongst the people of the Jew in the matter of riches. The most they had was the gold and silver they had gotten from the Egyptians, *Ex. 3. 11, and 12.* And every man and woman amongst them got jewels of silver and gold from the Egyptians. Nay, but it was not a time of their wealth, whereas they travelled in the wilderness. Their condition then was very unequal. What they had then, was from hand to mouth. Any provision they had, was from GOD'S extraordinary furnishing. And they were all that way a-like served. And after they had entered the Land, and gotten possession of it, we read the Land was equally divided amongst them, according to their Tribes and Families. They lived then as a peculiar people, claiming nearer relation one to another, than any people did. In after ages and corrupt times they could all tell you, they all were the children and seed of Abraham. The neereft bonds of Nature tied every one of them to supply another's wants. And as for Titles of honour amongst them, we read of none, till they got Kings. Such vile and prodigall titles as to day are used, then were unknown. Yet observe, there was a two-fold, and only a two-fold sort of Titles amongst them. 1. A Title of Office. And thus אֱלִידִים Elders, and שָׂרִים Officers, *Ex. 18. Deut. 1. Job. 24.* Both which were called שֹׁפְטִים Judges, and רָשָׁיִם Rulers. And as by their virtue they came to be Judges and Rulers, so by that same they attained to these Titles of Office. Which are most approved and commendable, as they are most ordinary and usuall. 2. A title of men's nature. Thus in the time of Judges and Captains they were called אֲבוֹתֵינוּ *Hea. 5. Job. 24. אֲבוֹתֵינוּ* *chief of the fathers, Ezr. 4. 8. and 10.* These Titles and Priviledges they had from the precedency of Nature, as the first-born hath from the younger. The very Law of Nature it self admitteth precedency, both in respect of office, and of naturall generation and priority. Otherwise every thing should be turned topsie turvie, and all should run into confusion. But you shall not find thorow all the Book of GOD any other sort of titles used: מֶלֶךְ King is also a title of office. You shall not shew me, where the Rulers of the people of Israel are called Dukes, Marquesses, Earles, Vicounts, &c. Such titles I think came from hell, and I wish they may thither return. Now tell me, whether or not, I have good reason to say, that the Jewish Commonwealth under Judges was popular and democrattick? No precedency amongst them was known then, but what either office or nature did bear them to. They knew not precedency because of honour and riches, what it meant. Any precedency amongst them, was either from naturall generation, or from qualification.



on. And none amongst them was advanced to any place of trust, because of any natural privilege, and carnal respect, but because of virtue and godliness. And this was to be found amongst the people. We believe, qualification hangeth not at the girdles of great men. And such were not amongst the people of the Jews, in the time of the Judges. And though the Seventy were chosen out from amongst the Judges and Officers of the people, yet doth it not follow, but they were popular: for the Rulers were chosen from amongst the people. And to the Seventy being of the Rulers, it necessarily followeth, that they were chosen from amongst the people. It will never conclude, that they were not popular Governors, but that afterward they were advanced to an higher degree of office, then they were formerly. The Sanhedrin was constituted with the management of the most publick and greatest matters.

2. As is said, *I thought to provide out of all the people able men.* And Moses chose able men out of all Israel. — Ex. 18. There is a noble emphasis in all, or in all Israel. Mark the vastness and latitude thereof. It is not said, Judges were chosen from amongst the rich and honorable of Israel. That mislead had insinuated the restriction of places of office and trust to the rich and honorable. Blood, respect and natural ties had been necessary conditions in the choosing of Judges, if that had been said. But the word all, a note of universality, doth exempt none therefrom. It declareth, all and every one of the people, without exception, who were virtuous and godly, and fit for the discharge of publick trust, seeming all natural ties and privileges to be capable of official power. Indeed, you need not take all, in a restricted sense: for at this time they had none inclosing rich men, worldly worms, and vain-gloriously honourable. They knew nothing but the priority of Nature, and the precedency of Virtue. And if you call not this Popular Government, I know not what you call Popular. However, let me have this, and I crave no better.

Because it is allcaded; *Moses, Joshua*, and the other Judges, did reign as Kings, we shall shortly demonstrate to you what power they had. Therefore shortly observe these Conclusions.

Conclus. 1. *Moses, before the counsel of Jethro, had a Kingly Power.*

This is more then manifest. Ever till then *Moses* governed all, and none but he. — Exod. 18. This he did, not because he delighted to lord over the people, and that none should rule but he. 'Tis known, that he rested not contented with what Rulers he had appointed at the desire and counsel of *Jethro*. He intreated the Lord to appoint other Rulers, to bear burden with him. — Num. 11. — Dent. 1. Neither will I say, that *Moses*, out of meer simplicity and ignorance, before *Jethro's* counsel, did forbear to set any Rulers over the people beside himself. The very light of Nature taught him, that help was good, and that he alone was not able to discharge all the businesses of the people. But I conceive, he did it upon other grounds. He knew that the people of Israel were the Lord's peculiar

people,

people, whom he had brought out of Egypt extraordinarily, and over whom he had set him in an extraordinary way. Yea, he waited for judgment to the people, at the very mouth of the Lord. What Laws and Ordinances he delivered to the people, and what judgment he executed amongst them, were done according to extraordinary and immediat revelation from the Lord. Which maketh me think, that *Moses* in all matters of importance taking the word from God's mouth, and depending from his immediate revelation wholly waited upon God's Oracle, where, and when, one way or other, should be revealed to him, how, and what Judges should be appointed to rule with him. And so he perceiving *Jethro's* counsel to be wholesome and from the Lord, and that God had employed him as an instrument of accomplishing his expectation, therefore he thought good not to despise it, but speedily to embrace it. So we see, he wholly casteth the election of the Seventy over upon God, and therein only taketh the word at his mouth. *Num. 11. Deut. 1.* Albeit *Moses* all this while did reign as King, yet doth it make nothing for Kingly Government. 1. Because he was the Lord's extraordinary Lieutenant. He was extraordinarily and immediatly designed by God to the charge. And to speak properly and precisely, in a politick notion, not *Moses*, but God himself was their King. What *Moses* did was by an immediate dependency from the Lord. He took the word at God's mouth. He enquired of God judgment, and was for the people to God-ward. *Ex. 18.* He was as God's mouth to the people. God employed him to deliver his Laws and Ordinances to the people, because they were afraid the Lord should speak to them. They could not without fear behold his glory and terrour. *Exod. 20.* And *Moses* finding that his charge immediatly and extraordinarily depended from the Lord, therefore he waited upon God, till he manifested one way or other, where, when, and how other Governours should be designed to rule with him over the people. And thus all the while he did govern alone, not he, but God properly and in a politick notion was their King: for he did nothing to the people, but by a special, extraordinary, and immediat dependency from the Lord. 2. Till in and about the time of *Jethro's* counsel, there was no fit time to create Rulers over the people. All the while before they were in a chased & most unsetled condition. In which time *Moses* did reign through meer necessity and exigency of the times. He did rule alone, because the case of the times so required. Thus *Moses* was King, *per accidens*, and not *per se*. 3. Although *Moses* had had an absolute and arbitrary power over the people of *Israel*, yet would it plead no whit for Kingly Government. By manifold and most eminent obligations they were tied to him. For their sake he refused to be called the son of *Pharaoh's* daughter, preferring affliction with them, to all the pleasures and pomp of *Pharaoh's* Court. He conducted them thorow the Red Sea, he was as the mouth of God to them, and by his favour with the Lord, he furnished them with all necessities in the wilderness.

deresse. And it is known that the man was most eminently endowed, matchlesse in his time. Thus what Kingly power *Moses* had, was not only accidentall, but extraordinary. Therefore it can be no ground to Royallists to build upon.

Conclus. 2. *After the institution of the seventy elders, and the accomplishment of Jethro's counsell, neither Moses, nor any other of the Judges had a Kingly power.*

Firstly, The people desired *Gideon* to reign over them, and offered to devolve the Kingdom over into the hands of his posterity. And *Gideon* refused to do so, and embraced not their offer. *Judg. 8.* And he addeth this as the reason of his deniall, *The LORD shall rule over you.* As if he had said, Neither I, nor any of my posterity can take upon us to reign over you as your Kings. Ye are the LORD'S peculiar people, Of whom the LORD hath a most special care. Any that rule over you, must be deputed by God in an extraordinary way. They must take the word at his mouth, ruling over you by an immediat dependency from him. Now, tell me, whether or not was *Gideon* King at this time? If he was King, ergo he refused to embrace the power which he had, And that is ridiculous. If he was not King, I obtain the point. Again, either they offered to *Gideon* a Kingly power, or not. If a Kingly power, ergo either *Gideon* was not King, or else by way of gratification; they offered him the power which he had already. And that had been in them greater impertinency then courtisie. Yea, they had dealt altogether ridiculously. And sure I am, *Gideon* had never answered them so, as he did, if he had had such power. He had positively denied to enjoy that which really he did enjoy. And that they did offer him a Kingly power is manifest. (1) Because the word in the Originall text *וַיִּשְׁלַח* signifieth to lorde and govern in a Kingly way, *Gen. 4. 37. Dan. 11. Mic. 5.* and in many other places; It hath affinity with *וַיִּשְׁלַח*. And the *Græcians* changing *ν* in *ς*, say *κατασκευαζω*. Which signifieth, to reign in a kingly way. (2) It could be no other then kingly power, because *Gideon* wanted no power but that. He judged them, led forth their Armies, and commanded in chief. And consequently either he was not King, or else the people offered no other power to him, then what formerly he had. And I cannot imagine, that ever they would have been so impertinent, to gratifie his labours with the offer of just nothing. If they had done so, they had forthwith befooled themselves. And if *Gideon* had not kingly power, neither had any other of the Judges. He had that same power, and no lesse, which they had. They were all Judges alike.

Secondly, *Abimelech* had different power from the Judges. What power he had, was kingly. This is evident. 1. From the question he putteth up unto his mother's brethren, whereby he pleadeth to reign over the people of *Israel*. He useth there the word *וַיִּשְׁלַח*, which the people used in offering to *Gideon* and his posterity, power to reign over them. And (as is said already) it implieth a kingly-ruling power. 2. From *Jotham's* parable, wherein

wherein the word **Ἰσθ** is used. And this under a parabolick notion he alludeth to *Abimelech*. And it cannot be denied, but **Ἰσθ** is seldome or never used under any other signification then *King*. Precisely and ordinarily it is onely attributed to one of a kingly power. You will finde it so in innumerable places of Scripture. 3. From *Joban's* application of the parable to *Abimelech*. In it is used **Ἰσθ**. Whence is derived **Ἰσθ**. And both of them ordinarily are onely applied to persons of kingly authority. See *Judg. 9*. This is according as it is written in *Chron. Alex. 17<sup>o</sup>*. *Ἰσθ Ἀβιμελεχ, ὁς, -- ὁ τυραννίδι βασιλεὺς κατανοῶν*, i.e. this is *Abimelech*, who made himself King in the Kingdom, or, who tyrannously made himself King. I pray you, why doth the Holy Ghost call the Judges **Ἰσθ** Judges, and *Abimelech* **Ἰσθ** King, if he had not been of a Kingly and different power from them? I confesse *Judg. 17, 18, 19, and 21*. **Ἰσθ** is spoken concerning the Judge. Yet not properly, but metaphorically. It is spoken *soneroris gratia*, to expresse the dolefulness: of the want of Authority, or of persons in Authority. And I must needs say, that authoritativeness **Ἰσθ** *Ἰσθ* is competent, whether to the Kingly person, or to the Kingly power. Therefore the Holy Ghost in these places expresseth his purpose by the word **Ἰσθ**. And this he doth not apply to one particular Judge, as to *Abimelech*, but to the whole incorporation of Judges. Then bear. Either *Abimelech* had different power from the Judges, or not. If different, ergo the Judges were not Kings, and had not Kingly power. The greatest power *Abimelech* had, was Kingly. And therein he was different from the Judges. You cannot say, that his power was not different from theirs, as is shewed already. And consequently, his power at the most being kingly, and notwithstanding different from the authority of the Judges, it necessarily followeth, that the Judges had not kingly power.

Thirdly, If the Judges had had kingly power, then there had been no change in the Government, after *Saul* was ordained King. Thus there had been change, *nomine*, but not *re*. And so the people in vain had sought a King, and *Samuel* in vain had denied them a King. Thus they sought nothing, and he denied nothing, but what they had before. *Bellarmino, de Rom. pont. lib. 1. cap. 2.* though to no purpose, laboureth to elude this, distinguishing between *Rex, & Princeps*. Indeed, we cannot but much commend him, because he saith, That God in the time of the Judges was the proper and peculiar King of the Jews. This is shewed already. And so implieth *Gideon's* answer, *Judg. 8*. And this cutteth the back of what *Bellarmino* saith: for so they being but Viceroyes, and God the only King, then had they not properly kingly power. This is what I crave. Yet in the interim I demand, whether or not they could extend their power, as the Kings? And that they could not, is manifest. Because they had no more power than any of the Seventy and higher Sanhedrin. The Seventy were chosen to bear equal burden with *Moses* and the Judge, in all the weightiest



riest and most publick matters. Num. 11. Now, either conjunctively, or disjunctively, they had equal power with *Moses*, and the Judge. If but conjunctively, these two absurdities will follow. Firstly, that the Judge was not subject to the Sanhedrin: for the equal is not subject to the equal. And if not subject to the Sanhedrin, I see no reason why he was not also unpunishable and absolute. And so the Judge had greater power than the King. Which I am sure none will admit. Secondly, before the institution of the Sanhedrin, all the greater and hard matters were referred to *Moses*, Ex. 18. And in this *Moses* power was greater than the power of those Judges, which he appointed at the advice and counsel of *Jethro*. But *Moses* finding, that he alone was not able to manage all the weightiest matters, therefore in greatest earnestness he besought the Lord, to adde some to him, who might help him therein, and exonerate him of his burden. Mark a little: Either *Moses* as yet remained the only Judge of greatest matters, or else every one of the higher Sanhedrin had equal power with him. The reason is, because *Moses* power was according to the object of it. The greater matters, the greater power, Ex. 18. So proportion of Nature requireth. If you say, that notwithstanding the institution of the Sanhedrin, and its intermeddling with great and weighty businesses, the greatest of matters were reserved for *Moses* and the Judge's managing. I understand not that. That is against *Moses* desire. The thing which he prayed for is. That the Lord would ordain some to bear burden with him, in discharging the weightiest matters. We find no such distinction in his desire, as that some might be appointed to oversee some weighty matters, and himself notwithstanding to reserve in his own hand the managing of the greatest affairs. Friend, this had been but a little easing of *Moses* burden, under which he did grievously groan. Yea, in this case there had been great by-respect and self-interest in *Moses* desire. No less forsooth, then he should be eased of his burden, and notwithstanding reserve a lording power over his brethren. There is no little carnality in this desire, and as great absurdity to bind it upon *Moses*. Yea, were this true, he had been in power above the Seventy: for so his power did reach further then theirs, and might do what they could not. Tell not me, that his desire was to be eased of his burden, and notwithstanding to remain chief man in the Common-wealth. There is great carnality and self-interest there also. *Moses* desire is positive, without distinction. And if he, or any of the Judges was *major singulis*, I see no reason why they were not as essentially Kings as *Saul*, *David*, &c. The Kings had no more power. None of them according to Law, was *major universis*. So is demonstrated already. And so in the ordination of Kings there was no essential and substantial change in the Common-wealth. The people sought a King from *Samuel*. Was it not a foolish desire to seek what they had already? *Samuel* denied a King to them. Was it not foolishness in him to deny them that which already they had, and debate so much against it? Verily, there was nothing

thing between them, if this be true, but *pugna de leone caprine*. And verily, *Bellarmine* wrongeth the people of the Jews very much, in alleadging, they sought a despotick, heril, and hereditary King. There is no such thing in their desire, as is shew'd already. They sought no more but a King. According to the Law he was regulated. And it is known, that they did not give the kingdom to *Saul's* posterity. Well, let it be so, the Judge had greater power then any one member of the Sanhedrim; yet doth it follow, that he only had such power as the annual Magistrate, &c. in the *Athenian Commonwealth*. He had greater power then any one of the Council. And yet he had not a kingly power. Herefrom we draw this Argument:

*That Government is simply and absolutely best, and most for the advantage both of Church and Commonwealth, which the Lord not only did firstly institute amongst the people of the Jews, but also was unwilling to change it, and set-up another Government in place thereof:*

But the Lord not only did firstly institute Democracy amongst the people of the Jews, but also was unwilling to change it; and set-up another Government in place thereof:

Ergo Democracy, simply and absolutely, is the best Government, and most for the advantage both of Church and Commonwealth.

The Proposition, I suppose, cannot be denied: (for whatsoever is most for the good of Church and Commonwealth, is most also for the glory and honour of God.) And shall not I imagine, that the Lord most endeavourerth that which is most for his honour? As there is nothing which is so precious in the eyes of God as his own honour, so he endeavourerth most to erect, preserve, and maintain that which most contributerth thereto. None will say, that the Lord slighterth his own honour, and postponeth it to any created interest. The Assumption is made good from what foregoing, not only in this, but also in the preceding Subjection.

Secondly from the judgment of the gravest and wisest Philosophers. So *Solon*, of whom it is storied, 1. That he not only refused himself to reign over the *Athenians*, as King, but also he much endeavour'd that *Pisistratus* should not attain thereto. This he did for preserving the liberties of the *Athenians*, and popular government amongst them inviolable. 2. He wrote severall verses against the *Athenians*, because they had set *Pisistratus* over them, sharply rebuking them, that they had gone from the better to the worse. 3. Because the *Athenians* had set-up Monarchy amongst them, therefore he left *Athens* and went into *Egypt*. 4. Not desiring to live under Kingly government, he left *Egypt*, *Cyprus*, and *Lydia*, and came into *Greece*, where he built a City, and called the name of it *Solos*. And it is very observable, that *Cressus* having desired him to come and live beside him, he thanked him for his benevolent courtesie; But withall he added, that if he desired not to live in a free Common-wealth (which he had set-up in *Greece*) he would choose rather to live with him, then in *Athens*.

5. Being

... he told him. He would  
... in taking upon him  
... wherein he came  
... the *Albanion* in translating Democrite  
... King of *Corinth*, denig  
... it is reported, that he did institute  
... But the simple truth is, it  
... And by proccesse of time, the Com  
... Laws thereof being corrupted, *Solan* reformed both  
... did prefer Democracy  
... *Thales* wrote to him in exile, advising him to  
... at *Miletum*. And if he did abhorre the  
... there was no where he could be free of the trouble of  
... he thought it best he should live with him, and his  
... how that *Solan* one of the *Wisemen*,  
... And if he did so, he told him, they  
... would flock about him. *Thales*  
... in affection with *Solan*, doth also manifest their  
... in the matter of judgement. For he said with the  
... the *Lacedemonians* *Sparta*, the  
... This is controverted, *Solan* saith, *Colo*  
... To the end which *Laches*  
... by *Democritus*, *Aristotle* and *Alexander*, by *Democritus*. However, I  
... of that Ma  
... That he only  
... of the maintenance  
... in an epistle to *Solan*, he  
... King, nor is he likely to  
... he had die in his bed without blood. *Plutarch*, one of the *Sages*, after  
... he had reigned about ten years over the *Argives*, willing to  
... the Kingdom. Tell me, if thou canst deliver the people's liberty, who  
... months able to do so, would not so much as keep them under an eagle  
... he did govern them according to most wholesome laws and  
... And in his answer to *Celsus*, he avoucheth that Law is  
... the greatest commodity. Come are thus march with his practice and you  
... will find the way to true Liberty, Democracy and peoples liberty. *Cel*  
... who is the greatest commodity of the whole world. And in his Epistle to  
... which he cal  
... And there (saith he)  
... one of the  
... yet at last he  
... must needs think  
... popular govern  
ment





members in the Common-wealth. So do I too. He is for none such. So am I. From these three things *Socrates* concludes, That the Government of the Common-wealth are that same way in respect of the people and their wisdom and power, even as other threads are in respect of silk. He would have the Majority thinking and voting in virtue far beyond the people. *Plato* is full of his own judgment. *De Rep. Arist. Pol. 2. cap. 12.* To repeal of laws, *Pericles* the *Athenians*, and *Thebanus*, having desired him to institute and set up Government amongst them, he did it not, because they would not have equality, as he learned. And it is known, that by *Aristocracy* he did not understand that, which is contradistinguished from Democracy. Namely, But he opposeth it, not only to the confused multitude, but also to the Government of those, who are set apart to govern, because of some natural privileges. Thus by Aristocracy he understood the Government of the best. And it is the very quintessence and purest form of Popular Government. The sure and most way of removing the tyranny of Monarchy, and Oligarchy, and the confusion of the popular multitude. This kind of Government he called *Dion*, to promote and set up amongst the *Syracusians*. It is observable, while *Dion* was hence forward against *Dionysius*, for restoring the *Syracusians* to liberty, and the up-setting of Popular Government amongst them, he was incited thereto, and encouraged, not only by *Eudamius*, and the Government of the Republick, but also by Philosophers. All of these unanimously advised him. *Aristotle* also in this is not wanting. He concludes Popular Government to be the best, because it enclinch to mediocrity. It crusheth a slight bevy of all Governments. *Polyb. 4. cap. 17.*

*Secondly*, Of the chiefest Historians and Orators, *Socrates* imputed it as a great fault to *Nomus*, because he erected Kingly Government, coming to what *Themistocles* (the *Athenian*) gave some government and peace for, sent them, and continued that Government was before that time, was not purely political. Yet it was very near the borders of Democracy, for then they knew not what it was to be governed by one, or by some few, because of riches, honour, and strength like. No verily they admitted no preerogative, but purely natural and moral. Purely natural, because (speaking generally) they lived then as under fatherly and economical Government. Namely moral, because those did govern who were eminent in godliness and virtue. It is called the golden age, because then men were free of deceit, each one living in a brotherly & comfortable way with another. They knew not what Law, guile, and Politick could be amongst them. All lived as under one common father, governed according to the Laws of pure Nature and Justice. *Sabbat. 2. Genes. 3.* Thus then none was holden back to govern, to whom Nature and Virtue had given the preerogative. And this I find only to be the difference between Popular Government, and what Government was then. The one was natural, and the other is political. For then men did govern, not only because of virtue and godliness, but also because

because of natural priority. No wonder, because then they lived under Governours, as under natural fathers. Government then was rather economical, then political. But Popular Government, though it giveth place to Physical and natural precedency, yet not in the matter of Government. It admitteth natural precedency in natural things. But in policy only vertue and godlinesse have the first place. Yet there is no repugnancy. But *per accidens* in politicke things both may confound. Natural precedency in it self is not repugnantly capable of that which giveth political preferment. *Herodotus* seemeth to commend *Ottanes*, who against *Darius* pleaded for the up-letting of Popular Government among the *Persians*. He saith, that *Ottanes* took the middle way. *Lib. 3.* But in *medio ita uteris*. No wonder though he enclineth to *Ottanes* judgement, rather then to the opinion of *Darius*, who pleaded for Monarchy. The matter as is said already, approveth *Pindarus*, in saying, Law is King. But amongst the *Persians* Monarchy was ever above Law. *Josephus* calleth the Government firstly instituted amongst the *Jews*, the best of Governments. *Ant. Jud. lib. 4. cap. 8. lib. 6. cap. 4.* Howsoever he taketh up the plat-form of this Government is not material. But I may determinately say, it was democraticke and popular. This we take to be the judgment of *Salust.* He opposeth Liberty to Regal Government a free City to Monarchy. Yea he inveigheth against the *Greeks*, as base, free of vertue and painfullnesse, because (saith he) *libertatem per inertiam amiserunt*. And he speaketh of Noble men, as unprofitable members, in quibus *hinc in statu nihil est addendum*. Yea, he calleth them *superiores, ignavi*, adding, *per superbiam cuncta ventibus moderantur*. Moreover, he saith down this as a maxim, *Libertas iuxta bonis & malis, strenuis & ignavis, optabilis est*. Liberty is to be desired by all good and bad, stout and cowardly, *ut fragm. Cicero* was fully of *Pompey's* way. He greatly commended his cause, and did much exhort others thereto. This you may see in many of his Epistles, *lib. 2. ep. 18. lib. 4. ep. 44. lib. 7. ep. 62. 64. 82. 74.* See *Plutarch* in *Cicero*. Now *Pompey* was clearly for the defence and preservation of the Roman Commonwealth, as it was established before *Cesars* usurpation. It is beyond all controversy, at that time it was in part popular. Then the Romans were governed by Tribunes of the people, who had power to defend against any Magistrate, whether Dictator, Consul, or any other of the people. Sure I am, none will say, but *Demosthenes* was all the way for Democracy. *Orat. cont. Theor.* He pleaded still for the Liberties of the *Athenian Commonwealth* in many Orationes, whereby he exhorted the *Athenians* to withstand *Philip*, for preserving amongst them Popular Government inviolable. *Plutarch* reported, he incited all *Greece*, both against *Philip*, and *Alexander*. In *Demost.*

*Historie*. Of notable Kings and warriours. *Minos* (who by *Homer*, *Hesiod*, *Plato*, and others, is called the chiefest of Kings, amongst the *Cretians*) created *Casus*, Popular Governours. So *Theseus*, whom *Heracles* colde up above *Heracles*, did institute Popular Government amongst the *Athenians*.

*Asperant*, *Therapontus*, *Lycurgus*, and *Aristides* most noble Kings, and most notable persons of Popular Government. And shall we not think, but *Admetus*, *Demetrius*, *Aristides*, *Ulysses*, *Hannibal*, and many other notable warriors, who did live under the yoke of Popular Government, esteemed it the choicest of Governments? They acted much, both gallantly and wisely for the preservation thereof. Men's practice is a most evident testimony of their judgement, then their profession. 'Tis known, that *Lycurgus*, an eminent Warriour, in an oration to the *Lacedaemonians*, perswaded them to shake-off Kingly Government altogether. *Plus en Plus*, *in Lys*. Had that been, I suppose, the Ephorick Magistracy should have gone a-bath. Though *Dion*, a matchlesse Warriour, was against the popular multitude, which inevitably begot such confusion; yet was he for *Plato's* Aristocracy, which is reformed Democracy.

*Firstly*, From the example of the chiefest and most reformed Commonwealths, whereof some were purely popular, and some mixed. *Y. g.* *Athenians*, *Cyprians*, *Carthagenians*, *Syracusan*, *Lacedaemonians*, *Thebans*, *Romans*, &c. *Strabo*, our of *Hieron*, reporteth, That the *Assyrian* Kingdom being overcome by the *Medes*, for a long time after the Cities were governed without Kings, by Popular Government.

The point being thus established both by divine and human authority, is nearly fallen into our way to make it good from Reason itself. And for this we shall shortly give you the Bridgement of the Arguments of some ancient Philosophers, which *Aristotle* headeth, *Polit. 3. cap. 11.* and 12. As they do plead for Popular Government, so they do directly militate against Monarchy. The first is taken from the parity and equality of the Members of the Republick; the second from the necessity of Magistracy; the third from the equity and infallibility of Law; the fourth from the inconveniency of setting man above Law; the fifth and sixth from example. Sparing to repeat their arguments at length, we content our self with an argument of our own framing. And it is this,

That Government is simply best, which restoreth us nearest, beyond all Governments, to our condition and liberties in the state of perfection and pure naturals.

That Democracy restoreth us nearest, beyond all Governments, to our condition and liberties in the state of perfection and pure naturals.

Ergo Democracy, simply, is the best Government.

The Proposition is undeniable, because the state of perfection and integrity is simply the best. It is without either spot or wrinkle. And consequently, the nearer we draw to that condition, our case is so much more excellent and good. And so, whatsoever Government restoreth us nearest thereto, without all controversie is simply best. In making good the Assertion, we lay down thier two Conclusions.

Conclusion 1. No man by nature is a formal and independent way to himself to Government.

Firstly:

Firstly: If Nature laid man formally and as an antecedent way to Politick subjection, we demand, Whether or not it hath added it's layeth bonds of subjection upon all men? If it doth, then Kings no less their subjects, are tied by Nature to jurisdiction. 1. Because that which agrees to a thing formally and *natura* is also consequent to it *in effect*, and *in effect* is *in effect*. 2. If Kings were not also subjects, as before by nature it would inevitably follow, all men and not Kings, would be subjected to K. Which is implicative. If not; then it is manifest that some men, by nature formally are born subject to Authority, and some not. Both which are repugnant: for a Nature, as Nature subject to man to Authority, it gives exemption to none, more than to another. Otherwise you shall either admit a simple contradiction, or else not shall deny all men to be natural. Therefore of necessity the Royallists must either admit, all men according to Nature, to be born free, or else, that Kings and People, by Nature to be born subject to Government. He must either admit the one, or deny the other also. Which he must admit. See what Philosophy that is: Man by nature formally born subject to Government. So will the Royallists have it. This will be the Conclusion: *Ergo* man by nature is not formally born subject to Government. A plain contradiction indeed. The reason is: If nature subject man formally to Government then it subjecteth all men thereto. And if all men, I demand, Whether or not doth nature subject one to another? If it doth, *ergo*, either *communitate* *directe*, or else one by nature is not subjected to another. Otherwise all according to some one, not subjected thereto, as it sheweth to be. If not, *ergo* none by Nature are borne subject: for so by Nature there is none, to whom they are subjected. *Non enim nulli sunt addicti*. Therefore it inevitably followeth, either all to be born free, or else all to be born subjected to Government, and not to be born subjected thereto.

Secondly: If Nature laid formal bonds of subjection upon Man to Politick Authority, we judge it very strange, how there have been, and may be many families and societies of men wild and free of such subjection. We can scarcely think, that the intervening of any accidental cause could obstruct the current of such a formal stream of Nature from issuing and streaming forth in formal effect. We can hardly digest it, how Nature formally bending its strength to produce Politick subjection, doth not also force Government amongst Beasts, and subject one of them to another. See we not by experience how natural productions do always produce effects suitable to their natures? Why may we not, then with as good reason alledge, that Nature producing Government and subjection to Policy, would have also through its natural course drawn all natural creatures to the erecting of Government and Policy amongst them? How cometh it to pass, I pray you, there is not King-Tion, King-Eagle, King-Elephant? &c.

Thirdly





while as he calls it the Law of Nations, the particular Law of Nature. But the matter is in itself, *Inf. lib. v. de a. legibus*, whether to be much for it, or much against it. Nay but Mr. *Pratt* and Mr. *Clifton* and *Justinian*, their meaning: for if the Law of Nature were taken by them for any humane Law, then should humane Law be common both to man and beast. Do not they say, the Law of Nature is common to both? Therefore you shall either conclude, beasts to be mortal, and without such humane faculties, or else you shall restrict your universal truths to the bounds of a particular.

But if you shall say, That by the Law of Nations they are bound, and Universal Sentence, and general Sanction, as it is communicated from the Civil Law, you also gain nothing by your pains. For there is such a notion, the Law of Nations is not the proper and immediate source of the Law of Nations. So it is properly and immediately opposed to the Civil Law, as *Jus Naturæ* out of *Civitas* abundantly clearly does, as *Bartholomæus Dierckx*, lib. 2. tit. 1. loc. 1. the Law of Nations to the Law of Nations, lib. 9. and *Just. lib. 1. tit. 1. §. 1.* he contradicts them, the Law of Nations from the Civil Law. In the one he takes the Law of Nations to be the immediate opposite of the Law of Nations, and in the other, taking the proper opposite of the Civil Law. 2. Because both *Wotton* and *Wolfius*, in the forequoted places, do call the Law of Nations, a thing common amongst men. But by your leaves, have taken a narrow view of the Law of Nations, you shall find out, the particular, that generally is being taken as immediately opposite to the Civil Law, for it is taken in a strict and rigorous acceptation. And such Law having greatest footing, when Monarchy and the governing power is universal.

And whereas Mr. P. alleges, That he demands no more than Liberty and Tyranny, he is far from being so light and trifling as he means no such thing. 1. Because, when we call Liberty a natural Liberty, inclining to that which any man is led to do, unless it be directed either by Strength, or Law, Liberty we may say is nothing, and so much for us. Secondly, Liberty is natural to the natural Rights of the Soul. So Aristotle defines it, *It is the power of Liberty, like a Stone, to move in Government can be called the natural Liberty of the Will, or Inclination of the Mind. Secondly, Liberty is opposed, naturally to force and Violence, but also to Law and Ordinance. These two things do absolutely distinguish the reason of Liberty from Government, in so far as it is natural Liberty. Now, Tell me, what Government Liberty hath with the definition of Government, naturally, and necessarily, and inseparably, but for better reasonings. That, Tell me, what Government is, or Government, then you can allege, and say to take it for Liberty, and unanimous authority for as be defined Liberty, it is incompatible both to Lawful, and unlawful authority. 3. Government be names, the Liberty of which *all* men speak of, and mean consent to it, I see speaks not of Liberty, but of more*

morall liberty. 2. Because *Ulpian* and *Justinian* call servitude, *constitutio juris gentium*. But my friend, what Ebnick, much lesse Christian, would have called tyranny, *constitutio juris*, and not rather *constitutio non-juris*. Shew me another place where they take *jus gentium* abusively in a catholick signification. 3. Albeit we should yeeld this to *Mr. Trahe*, yet should he no whit enroach upon the main purpose in hand: for it is abundantly cleared, that they understand all men by nature to be born free. *Jure enim naturalit* (saith *Justinian*) *omnes homines ab initio liberi nascuntur*. *Just. lib. 1. tit. 2. loc. 2.* Thence was it in the golden age, both before and after the Flood, they knew nothing but fatherly government, and filiall subjection. *Jerome* also in this fideth with us. He calleth Liberty, a faculty of living according to pleasure. But as government restraineth the Will, so Nature giveth it liberty, sweetly concurring and conniving with it. Furthermore, he sheweth, how that Liberty is naturall, both from the subject and object of it. *De Reg. inst. & disc. lib. 5.*

Conclus. 2. Nature per accidens and in a secondary way, intendeth government.

The reason of this is clearer then the light: for in the state of corruption, Nature lieth between two straits. Either it must be altogether belayed by the predominant tyranny of it's corruption, or else patiently submit it-self to Government's yoke. Thereby it mindeth to redintegrate that which by Corruption it losed. It knoweth that it would be overcharged by the super-dominion of lording lusts, if it did not come under the reverence of government. It chooseth rather to take it's hazard of subjection to a friend, then become captive to a foe, and always remain his prisoner. Thus it no otherwise mindeth government, but as in the case of fallen man it cannot be secure, nor preserved from the rage of lust without it. Therefore Writers do very pertinently call it naturall. *Arist. Pol. 1. cap. 2. Ulp. Inst. lib. 1. Just. Dig. lib. 1. tit. 1. loc. 1. 3. 4. 5. 6. 7. 9. Inst. lib. 1. tit. 2. loc. 1. and 2.* And the Lawyer *Vasquez* in plain terms saith that same which we do, *Illustr. quest. lib. 1. cap. 41.* The Law saith, *De jure gentium secundarius est omnis principatus. I. fin. ad med. C. de long. temp. presc. 1.*

This being done, you may abundantly learn herefrom, what man's condition is in the state of perfection & integrity. 'Tis a condition altogether unliabie to any Politick subjection. It rendereth all free unsubjected to government. Yet we must not think, that it giveth man immunity and exemption from the Morall Law. That were a giving him power above his duty. Thus he should be rendered an out-law. But in the state of integrity, man was most strictly engaged to all the duties of the Morall Law. He was obliged to perform them under pain of highest censure. He was answerable then to no humane Judicatory, but only to the Judge of judges. His case was such, that he needed no goverhours to hedge-in his ways. He needed nothing for that but his own nature. It's integrity and perfection was the best governor and government. But since the fall, Man

is become exceeding feeble, and standeth in need of many things which he did not before. Since the fall he is obliged no lesse then before it, to observe GOD's Law. And though before the fall he was free and subject to none but to GOD, yet now he cometh under Tutor. Before the fall he needed no Tutors, having wit enough then to govern himself. But since the fall, he is become infirm and ignorant, and standeth now in need of Tutors to help his infirmities. And the best Tutor he can have, is government. Now, tell me, which of the governments is best? No question, that which advanceth him neerest his first and primary condition. Nature no otherwise intendeth government, but as it contributeth in some measure or other, to make up what it hath loſed in the ſtate of corruption. And as it hath loſed integrity, ſo likewayes liberty. It had both theſe in the ſtate of perfection. Well, will any deny, but of all governments, Democracy is moſt for liberty? Monarchy and Ariſtocracy draw people's liberty within a narrow compaſſe. In the one, the whole liberty of the people is devolved upon one, and in the other upon ſome few. Thus the liberty which Man had in the ſtate of perfection, is extreemly eclipsed. It denieth his native liberty to him, though in a larger meaſure he be capable of it. But Democracy giveth people their full liberty which they had in the ſtate of perfection, in ſo much as they are capable of it. It withholdeth nothing of it from them, which in conveniency and without violation of the Law it can give unto them. It cannot conveniently give them the whole liberty which they had in their primary condition. Otherwiſe they ſhould be without government. And ſo they ſhould become out-laws, looſe and diſſolute. Thus they ſhould come under the dominion of ſin. Which is not liberty, but ſlavery. To prevent the incurable and extreame contagion of which, Nature hath provided Government as a remedy. And that government which advanceth Nature in the ſtate of fallen man, in as much as it is capable of, to the liberty, which it had in the ſtate of innocency and before the fall, no question muſt be the chiefeſt remedy againſt ſuch contagion. Thus Nature in the ſtate of Corruption, is advanced ſo neer as is poſſible to it's ſtate it was in in the caſe of perfection. But Democracy amongſt all Governments, is that which advanceth Nature neereſt to the liberty which it had in the ſtate of perfection. It giveth liberty not onely to one, and ſome few, but alſo to all. It withholdeth liberty from none, in ſo far as it can conſubſiſt with obedience to the Law; to which Man was ſubjected in the very ſtate of innocency. It no otherwiſe withholdeth liberty, but as it preventeth Corruption's ſlavery. *Ergo*, of all Governments it is ſimply beſt. No wonder, for it advanceth Man neereſt the condition he was in in the ſtate of perfection.



SECT. IV.

*Whether or not is it lawful to resist the Royal Person, and decline the Royal Authority?*

**I**T will be greater ease for us, to remove this difficulty, then those which formerly, by the Lords abundant help, we have fully discussed. You learn our mind in this matter from that which followeth.

*Assert. 1. It is not lawful to resist the King, as King, nor the Kingly power, as the Kingly power.*

There is very good reason for this: for the King, as King, is ordained by God, and Kingly Government in it self is God's Ordinance. Therefore formally, positively, and directly, we cannot resist the King, nor the Kingly power; unless we be found fighters against God. This is at length made good by us, *sect. 1. ass. 1.*

*Assert. 2. It is lawful and commendable, to resist the tyranny of the King, and the abuse of his power.*

This we make good from several examples in Scripture. 1. From the example of *Saul's Army*, which in resisting him, rescued *Jonathan* from his fury. *1 Sam. 14.* Royallists, such as *Mr. Symons*, and *Ferne*, do opinionate, this was done by no violence, but by prayers and tears. But this is false. There is not a word of prayers and tears in the text. The people without, and contrary to the King's consent enter in oath for rescuing *Jonathan*. Yea, which is more, contrary to the King's oath, they laid their heads together, and did bind themselves by oath to rescue him. The King's oath is, *God do so, and more also: for thou shalt surely die, Jonathan.* The People's oath is contrary to that; --- *As the Lord liveth, there shall not one hair of his head fall to the ground.* --- They go not behind his back, but they tell it him in his face. --- *the people said unto Saul, Shall Jonathan die?* Thus they withstand him to his face. The very highest degree of resistance. 2. *David* resisted and withstood *Saul's* fury, *1 Sam. 22. 23. &c. 1 Chr. 12.* Nay, but *Armiseus* saith, *David's* fact in resisting *Saul*, and defending himself by arms against him, was extraordinary. He was anointed, and designed by God, as successor to *Saul*. But the man is far mistaken: for if it be lawful in an extraordinary case to resist Kings, no question in it self it is lawful to resist them. And so, it being in it self a thing lawful, it may be put in action, both in an extraordinary and ordinary case. See *subject. 2. prop. 1.* And though *David* was designed King by the Lord, yet was he not formally called thereto by the People, in the time of *Saul's* reign. Will any deny,

deny, but *Saul*, so long as he lived, was King over *Israel*, and that *David* was his subject. Otherwise *David* was very far out of it in calling him, *The Lord Anointed, his Master, Lord, and King*. We say no more, but refer you to *Lev. xxv. 32*, *Salmath* finding out another flaming-hole, saith, *David* who arms only defended himself against *Saul's* tyranny, but not to cut him off, as the English Rebels, and bloody Butchers did, in cutting off *Charles*. 1. *Def. Reg. cap. 4*. This is all we say concerning *David*. And there was very good reason for it, why *David* did not cut him off, though he was several times at his mercy. Firstly, because he could not do it legally. Though he had power legally to resist him, yet had he not power legally to cut him off. The very Law of Nature teacheth self-defence, though by the smallest means. But the off-cutting of the Delinquent only belongeth to the Magistrate and Judge, unless it be in an extraordinary case. Nature hath alwaies Law enough for self-defence, but not so for punishing Delinquents. The one is natural, the other political. Secondly, no question, *David*, by extraordinary impulsion, was carried by the off-cutting of *Saul*. Whereas *Abishai* went about to kill him, *David* forbade him. And told him he should be cut off and perish another way, 1. *Sam. 26*. Where you shall find *David* denoting *Abishai* from laying hands on *Saul*, from these two grounds. Firstly, from the non-legality of the fact. He is *the Lord Anointed*. Thus he holdeth *Saul* as his superiour. And therefore he had not power to cut him off. 'Tis usurpation in the inferior, to rise against the superiour. Secondly, from the assurance of *Saul's* perishing in another way. -- *As the Lord liveth, the Lord shall smite him, or his day shall come to die, or he shall descend into battell and perish*. Would *David* say, It is needlesse either for me, or for thee, *Abishai*, to lay hands on *Saul*. Assure thy self he shall be cut off another way. But I beleeve this man cannot say the Representative of the English Commonwealth had such reasons for them, for keeping them back from cutting off *Charles Stuart*.

3. *Elisab* commanded to shut the door upon *Jehoram's* teeth. He calleth him, *the son of a murderer*. -- See ye, how the son of a murderer hath sent to take away mine head. Look when the messenger cometh, shut the door, and hold him fast at the door. -- 2. *King. 6*. Thus he giveth orders to the Elders, those who did sit in the Sanhedrin, being with him in the house, violently to keep it out against *Jehoram*, and his messenger. The word in the original, *Qar'at* proportioneth a most violent way of resisting. It signifieth a holding fast at the door with peeing. So the Seventy, *Qal'at* *parapros*, *Dennarus*, and others do render it. 'Tis a main thing in Royallists to imagine, *Elisab* and the Elders with him did not resist the King, but his messenger. 1. The text maketh clear against this. -- *[Is] not the sound of his makers feet behind him*. Thus *Elisab* commandeth the door to be shut up on the messenger, because the King was backing him, and coming in immediately after the cut-throat. This innuendum is, the shutting of the door, and the out-keeping of the house, was mainly against *Jehoram* himself.

Elf. His immediate approaching upon the back of the messenger, is the ground of shutting the door, and keeping out the house. They alludge also this to be an extraordinary act. *Quæst.* *was self defence* were not a thing most natural and ordinary. Away with this elation. 2. Because what the King's emissary doth in the King's name, is done by him, as in the King's person and authority. And so *whosoever* it shall be one to resist the King's emissary, and touch the King himself. *Salomons* would loose the knot another way. And (saith he) *the impious Philistines can conclude nothing from this, for cutting off the head of Charles I. The Prophet did not take it on him, to cut off Jehoram. That was done by Jehu, whom God extraordinary stirred up thereto. Des. Reg. cap. 4.* Who ever saw such a man as this? He only saith, and sheweth the Question. The Question between us now, is not concerning the off-cutting, but the *simple* act of resisting Kings. And though *Elishab* did not cut off *Jehoram*, yet he cannot deny, but he withstood him, and defended himself against his violence. This is all for the present we crave: Neither can he deny, but *Elishab* gave orders to one of the children of the Prophets to anoint *Jehu* King. Whereupon he went forth, and did cut off *Jehoram*, executing the purpose of God on the house of *Ahab*. From which example is shewed already, to be lawful to cut off delinquent Kings. It is the Magistrate's part, and not the Prophets, unless it be by extraordinary impulsion, to cut off the delinquent. And so, as from the example of *Elishab*, it is lawful to resist, so from the example of *Jehu* (whom *Elishab* caused to be anointed, for cutting off the house of *Ahab*) it is lawful to cut off delinquent Kings.

4. *Elishab* made defection from *Jehoram*, and revolted from him, 2 *Chr.* 25. *Salomons* studied to elude this, yet he said nothing against it, but what others of his own tribe said before him. And (saith he) *Elishab* is rebellious in respect of God, the Judge of all his sins, and shall punishment of *Jehoram's* sins. But in respect of the rebels, it is no where justified in all the text. *Des. Reg. cap. 4.* But with his leave, the text insinuateth the contrary. This you may learn from comparing the revolt of *Elishab*, with the revolt of the *Edomites*. *2 Chr. 28.* *Edomites* revolted from under the hand of *Jehoram* this day. -- There is nothing added to that. The same time also did *Elishab* revolt from under his hand. -- This is added as a reason, *because he had forsaken the Lord God of his fathers.* This is abundantly holden out unto us, that *Edom* and *Libnah* revolted from *Jehoram* in a different way. No question, in respect of God, the cause and ground of the revolt of both is one. God caused both to revolt, to punish the sins and transgressions of *Jehoram*. But in respect of the Revolters there are different causes. The *Edomites* revolted, because they disdained to live under the yoke of the King of *Judah*. The text saith, they chose a King of their own. And from that, which is added as a ground of *Edom's* revolt, it is more than apparent to us, it revolted from a principle of Rebellion. And these who comment upon the text say, *Libnah* revolted, because *Jehoram* pilled the people

people of the Land to Idolatry. I suppose upon good reason *Uzziah's* revolt is far more justifiable, then the defection of the ten Tribes from *Reboham*. The one revolted upon a natural, and the other upon a spiritual account. And yet as is shewed already, the ten Tribes revolted allowably.

*Uzziah* was withstood by *Azariah*, accompanied with fourscore valiant Priests of the Lord. And in this, contrary to the doctrine of Royallists, we shall make good these three things. 1. That they resisted him violently. 2. allowably, 3. that they dethroned him. The first is evident from the text. Firstly, because it is said, they withstood him. --- *They withstood Uzziah the King*. --- *2 Chron. 26. וַיִּמָּדּוּ עָלָיו וַיִּמָּדּוּ עָלָיו*. They are words of violent resistance, signifying to stand against. And for this cause the fourscore Priests are called men of valour *בְּנֵי כֹחַ* sons of strength. So the Seventy, and *Arius Montanus* translate them. It maketh us imagine, they were purposely selected from amongst the rest of the Priests, because of their valour and strength to withstand *Uzziah* in sacrificing. Secondly, because they did thrust *Uzziah* violently out of the Temple. --- *Azariah, the chief Priest, and all the Priests, -- thrust him out from thence*, *Ibid. וַיִּמָּדּוּ עָלָיו* signifieth to thrust out with violence. They hurried him out of the Temple, as the word importeth. The second is also manifest, because the Lord attended the undertaking of the Priests with miraculous and extraordinary successfulness. They no sooner laid hands on the King, but beyond all expectation, the Lord did put hand in him also. He did back them notably. They no sooner did resist the King, but as soon the Lord from Heaven did strike him with Leprosy. And is it imaginable but the Lord one way or other had plagued them also, if they had failed in their duty to the King? I can see no reason, why he should have spared them, in failing in their duty, more then he did not spare *Uzziah* in failing in his duty. And, which is more, the Priests do not groundlessly withstand him. They argue from the King's duty, and from their duty. They tell him in plain terms, It did not become the King, to sacrifice, *Num. 18.* but the Priests, *Ex. 30.* Upon these grounds they see to, to withstand him, and keep him back from burning incense. Which justifieth that their act of resisting him was in no part of his duty, and that which was proper to his kingly charge, but only in maintaining their own liberties, and what according to God's Law, was due to them. Would they say, We will withstand thee, O King, and have reason to do so; because, as thou dost that which is not incumbent to thee, so thou encroachest upon the peculiar liberties of our charge. The third is beyond controversy, though Royallists start much at it. (1.) Because he was cut-off from the house of the Lord. This was because of his Leprosy: for according to the Law, the Leper was cut-off from the Congregation. Thus the Priests spare not to execute the Law upon the King, though Royallists esteem him, to have exemption and immunity therefrom. And *Uzziah, the King, was a leper unto the day of his death*.



death, and dwelt in a several house, being a leper: for he was cut-off from the house of the Lord, *וּבְיִתְּךָ יְהוָה חִוּשׁוֹ* signifies a solitary house, far from resort and society. Thus *Uzziah* was separated, so long as he lived, from the society of men. Which is the Law concerning the Leper, *Levit. 13. (2.)* Because his son was enkinged so soon as *Uzziah* was separated from the Congregation. --- And *Jotham* his son [was] over the King's house, judging the people of the Land, *Ibid.* and *2 King. 15.* Tell me, is it likely, or can it stand with reason, they would have enkinged the son, the father, as yet remaining King? And I pray you, had it not been great madness in them, to retain the kingly power in *Uzziah's* hand, after he was cut-off from the house of the Lord, because of his leprosie? Firstly, because he was an excommunicate man. And those who had not interest in the Church, had not interest in the State; the Jewish Church being national. What do we do in reforming the State, is in relation and subordination to the good of the Church. *Psa. 101.* Secondly, the man being thus cut-off, was as unfit to govern, as either stock or stone. I beleeve, God appointed, not, idiots and unfit men to reign. We shall speak nothing here of these examples, whereby is holden-out, not only the lawfulness of resisting, but, also, of off-cutting of Kings, this not being the proper place thereof. We do only here speak of the simple act of Resistance.

We adde to these examples a few reasons. Firstly: These, who have power to resist the tyranny of the King, and will not, offering both their bodies & goods to his fury, may very justly be called negative murderers and robbers of themselves. Thus they expose them needlessly to the Kings mercilesse cruelty. Not unlike the man, who being able to preserve both his life, and his goods from the robbers committeth all unto their mercilesse hands. Who will not say, and that justly, but such an one, is a self-murderer, and self-robber?

Secondly: It is against very Nature it-self, men having power in their hands, to defend themselves against the unjust violence and rage of the King, and yet to be wanting therein. Either Nature hath conferred upon them such power in vain, or not. You cannot say in vain; unlesse you reflect upon the Author of Nature, who worketh every thing to good purpose. And Nature, as it is in it-self, is good and perfect. So it is repugnant for it, considered as it is in it-self, to work unquately and produce bad effects. 'Tis against the proportion that is between the cause and the effect. Which maketh *Aristotle* say, God, and Nature adoe nothing in vain, *De Cel. lib. 1. cap. 5.*

Thirdly: It is a negative betraying of God and his interest. 'Tis a denying to act for God, contrary to the King's will. Sure I am, Christ cannot away with negatives. He putteth them up in the score of enemies, *Mat. 12.* 'Tis against the practice of the Apostles, not to act for God, against the will of the Ruler. They determine to act for him, whether man will or not: Man without exception. They make no reservation of the King.

King. They resolve, to do God's will, though contrary to man's. *Mt.* 4. and 5. And I believe the King be but a man.

*Inst.* It is altogether against that, which Paul saith, *Rom.* 13. (slay Royalists) to resist the King. This is much urged by Salmasius. He concludeth, the Apostles of Christ altogether to have been against the doctrine of Resistance. This he gathereth, not only from the place above cited, but also from *Tit.* 2. & *1 Pet.* 2. *Def. Reg. cap.* 3.

*Ans.* About the place, *Rom.* 13. Royallists amongst themselves do not agree. Some are so impudent, that they blush not to say, by higher powers are only understood Kings. But the contrary of this is true. 1. Because the kingly power is not the higher power, as if there were no power above it. It is not absolute, but limited, as is already demonstrated. 2. The King is not above all the people. One of the best Kings we read of, is but worth some thousands of the people. *David*, a matchlesse King, at the most is called worth ten thousand, *1 Sam.* 18. So then, though the kingly power, *secundum quid*, may be called the higher power, yet *simpliciter* it is not. The power of the people simply and absolutely is the higher power. The author of the Execution *Cont. usurp. pow.* By higher power understandeth no other then lawful and unusrped Magistracy. And this man bringeth some Arguments, but to no purpose to prove this, *ch.* 5. Which we take-up shortly into these two particulars. 1. Usurped powers are not powers ordained of God. The powers the Apostle speaketh of, have their ordination from God. 2. The powers the Apostle speaketh of may not be resisted under the pain of damnation, and are appointed for the good of people. Usurped powers are not so. This man mistaketh the matter very far. He will do well, carefully to distinguish between the usurped power as it is usurped, and as it is a power. In the first notion it is not of God, but of the Devil. But sure I am, in the second notion, it is of God. As it is a power, it is a real being. But who will deny, that every thing effectually dependeth from God, and is ordained by him? A thing as it is in it self, is good. And so it cannot but be ordained by God, & approved of him. Thus it carrieth along with it God's Image and species. And sure I am, God never hated his own Image in any of his creatures. This is more deep, then half-wit can draw. It is handled by us at length, *in* *Philosophico-theol. disp.* 8. *sect.* 29. I wonder if this Gentle-man will deny, but *Nebuchad. nezzer's* power which he had over the Nations was usurped. The best title he had to them, was his sword. And yet the Lord owneth him in his undertakings, commissionateth him to undertake, and setteth-up his throne, *Jer.* 25. What? Had he any right over the Jews, but the lawlesse right of usurpation? Yet *Jeremiab* many times exhorted them to subject their necks to him, upon losse to themselves, and disobedience to God. And *Ezekiel*, *ch.* 17. threateneth them with destruction, because of their denying obedience to him. And I pray you, what better right had *Cyrus* to the Kingdoms of the Nations, then *Nebuchad. nezzer*? And yet the Lord called him, his shepherd

Shepherd and his anointed. He promisketh to concur with him and help him in subduing the Nations. *Isa. 44. and 45.* Thus it is most evident, that not only usurped powers, as powers, are ordained of God; but also all lawful obedience is due to them. Sure I am, whileas the Apostle wrote this to the *Romans*, they did live under the greatest of Tyrants. Did not *Nero* reign then? And yet the Apostle commandeth, to give obedience to such, and calleth their power, an ordinance of God. This man imagineth, that *Caesar*, and all his successours, even unto *Nero*, had lawful and sufficient calls to govern. I shall not examine this by history, sensibly perceiving the man's weaknesse, in not adverting to the usurpation of *Julius*, and *Augustus*. I passe this, and shortly tell him, such vile Ethnicks, as they, had never right to govern, as may be learned from what foregoeth. But to make shorter work, he shall do well to observe, all usurped powers to be, either Kingly, Aristocratick, or Popular. I demand, Whether or not usurped powers taken under such notions, be Ordinances of God? This he cannot deny. Will he say, that the Kingly, or any other lawful power, *in abstracto*, is not of divine institution? 'Tis bad reasoning, the Kingly power in it self to be unlawful, because it is in an usurper's hands. Usurpation is accidental, whether to the thing, as King, or to the Kingly power as it is in it self. Tell me, I pray you, what Philosopher will admit a consequence *ad id per accidens, ad id per se*? Will any conclude a thing to be evil in it self, because it is abused? No verily. It is foolishnesse to say, the skin is not good, because it is itchy. I go forward. And for the other particular, I would have this Gentleman observing with me. 1. *Paul* prescribeth the duty of the inferiour towards the superiour. This he presseth by several arguments. 2. He prescribeth the duty of the Magistrate and superiour towards the inferiour. I confesse, more expressly and largely he speaketh of the first, then of the second: for as he presseth the duty of the inferiour toward the superiour, tacitly and by the way he interlaceth the duty of the superiour toward the inferiour. Now, albeit the Apostle presseth obedience upon the inferiour both toward good and bad, tyrannous and non-tyrannous powers and Rulers, yet hath he very great reason for him, to exhort all Rulers and powers, to exercise and administer justice. Albeit it be the duty of the inferiour, to give obedience to the usurped and tyrannous power, yet it becometh the Magistrate not to usurp nor tyrannize. And so the one being incumbent to the inferiour, and the other to the superiour, the Apostle presseth upon both of them their duty. No question, both of them may, and doe fail in their duty; yet it doth become the Apostle to presse their duty upon both. And in this that the Apostle saith, the Magistrate is God's minister, appointed by him for the good of the people, in exercising judgment and righteousness: it doth not follow that he only speaketh of lawful and un-usurped powers. No verily. But he tacitly herein disclaimeth such powers, and prescribeth what should be the nature and power of Magistrats *de jure*, and not what it is *de facto*. And

as it is the superiour's *ius*, to rule in righteousness, so it is the *ius* of the inferior to give all lawful and due obedience, whether to the usurped, or non-usurped power. So is proved already. The reason that maketh this man so far misconstrue the Apostle's meaning, is, to cut-off allegiance from the usurped power, and, as he saith, from the Commonwealth of *England*, which he is not ashamed to call an usurped power. But he beareth the aire. To make short work of this, we demand, Whether or not the people of the *Jews* did lawfully give-up allegiance to the King of *Babylon*? If they did lawfully, *ergo* it is lawful to give-up allegiance to usurped power. Sure I am, *Nebuchad-nezzar's* power over the *Jews* was meer usurpation. And therefore the Lord threatneth to punish the King of *Affyria* and destroy his Kingdom, *Is. 10.* If unlawfully, *ergo* it was lawful for them, to break the oath of allegiance given to him. But this they could not: for the Prophets threatned them with wrath for the violation thereof. But because this matter is not only most clear in it self, but also we have little or nothing to do with it, therefore we content our self with this slender view we have taken of it. We leave this, and come to *Salmasius*, who is of an higher strain then he. Indeed he pleadeth for subjection and allegiance to the worst of powers. But to take away all that he objecteth, observe these few things concerning the clear meaning and exposition of the place, *Rom. 13.*

1. Carefully distinguish between the superiour, and inferiour. 2. between the power it-self, and the abuse thereof. For the first we say, It is unlawful and not permitted, whether by the Law of God, or the Law of Nature, to the inferiour to resist the superiour. And as it is not lawful for the inferiour to resist the superiour, neither is it lawful to resist the superior power, as it is in it self. We find both these in the text. *Let every soul be subject unto the higher powers.* --- The higher or superiour, presupposeth lower and inferiour. The one is correlat of the other. Thus it is evident, the subjection and non-resistance spoken-of by *Paul, Rom. 13.* is between the inferiour and superiour. And withal remark, the Apostle presseth subjection to the power, and non-resistance thereof. He doth not command obedience to the abuse and tyranny of it. We do therefore say, the place maketh nothing against us, but much for us. Though it be not lawful for inferiours to resist superiours. (That cannot be done, unless the inferiour intrude himself upon the right of the superiour, and usurp that which he hath not.) Yet is it very commendable, for the superiour, to resist the inferiour. Therefore it is undoubtedly lawful for the people, or their Representative, to resist the King. And that because their power is above his. His power is not absolute, admitting no bounds. And consequently, the text speaketh against the resistance made by the King against the people. The people's power is the higher, yea the supream power. And so subjection and obedience is so much more to be performed thereto. The Apostle commandeth subjection, and non-resistance to any higher power, though



though but higher *secundum quid*. His words are indefinit and without exception. *Argo* much more to the highest, and the higher power *simpliciter*. And thus the Apostle to good purpose, exhorteth Christians up and down the Roman Empire, and namely in, and about the City of Rome, to subject their necks to the yoke of the Roman Magistrates. They were indeed inferior to them, both in power and dignity. They could not have withstood them, being but an handful, unless they had become self-murderers and usurpers of power, which both God and Nature had denied them. And though it be unlawful to resist the power, as it is in it self, yet it is lawful as is said already, to withstand the abuse and tyranny thereof. It doth not follow, that Paul commandeth subjection and non-resistance to the tyranny of the power, because he commandeth subjection and non-resistance to the power it self. This is a fallacy *ab accidente*. The abuse of the power is altogether extrinsecal to the power it self. And *ab extrinseco ad intrinsecum* the consequence is vain. Thus these of Tit. 3. and 1 Pet. 2. are to be expounded after the same manner. Verily, if we might not use distinctions here, or in respect of what the Apostles speak concerning Kings; then were it altogether unlawful for us to pray against Kings, because the Apostle commandeth us, 1 Tim. 2. to pray for them. I wonder if these words can be taken without all limitation and restriction. No verily. Otherwise it were unlawful for us, to pray against Popish, Mahometan, and Paganish Kings. Such side with the Beast, and whom the Lord appointeth to destruction, Rev. 12. 17. 19. & 20. In many places of Scripture, we read of prayers poured-out against such. Therefore the Apostle's words deserve a distinction, and must be taken in a restricted sense. And if 1 Tim. 2. why not also Rom. 13. the Apostle's words deserve a distinction? And so it is no otherwise lawful for us to pray for them, but as it is lawful to obey them, and subject our necks to their yoke. There is a time when we are necessarily tied to obey them. This is in the time of non-ability to resist. And if it be lawful then to obey them, it is lawful then to pray for them. When the People of God are brought to such a condition, that they are not able to resist wicked Kings, nor shake-off their yoke, there is nothing left them then but prayers and tears. And what is the end of their prayers for them? It is most for their own good and advantage. That we may lead a quiet and peaceable life in all godliness and honesty. The People of God in the time of weaknesse and want of power, can do no more but roll their Kings over upon God, and intreat him to do with, and in their Kings, what they cannot perform. But whereas the People of God have power to resist Kings, and shake-off their yoke, no question, as it is lawful to act, so likewise to pray against their proceedings. And that ever with a reservation of God's secret decree, for disposing upon their persons according to his pleasure. And whereas he saith, Des. Reg. cap. 6. that, if the power of the People be the higher power, under any kind of Government, it followeth, there is no distinction and difference of Governments.

He is not a little mistaken. It is great want of Philosophy that makes him say so. The power of the people is the ground-work of the power of all Governments. The original and fountain-power is still reserved in the people. And so the kinds of Government, though they be different formally, yet not materially. Democracy is dilatated Aristocracy, and Aristocracy dilatated Monarchy, Aristocracy contracted Democracy, and Monarchy contracted Aristocracy. Thus the three differ not essentially, but accidentally. Even as the hand v. g. is one, whether folded or unfolded.

*Assert. 3. Kingly Government may very lawfully be declined, that one better may be set-up in its room.*

This is made good from what is above written.

## S E C T. V.

*Whether or not doth the Covenant tie us, to preserve Monarchy inviolably.*

**I**N removing this difficulty, there be two things in the Covenant which we must carefully look to. (1.) *Christ's Interest.* And this is, *v. 2. 4. 5. 6. Art. 2.* (2.) *The Interest of King, and Kingdom, Art. 3.* In order to these things we give you these Assertions.

*Assert. 1. We are tied by League and Covenant, to maintain and espouse Christ's interest absolutely, notwithstanding any thing may ensue thereupon.*

We shall not need to stand here. It is a matter without all controversy, and denied by none, who profess Christ. This way there must be no rescinding of our Oath though to our own hurt, *Psa. 15. He that sweareth to [his own] hurt, and changeth not, (still espousing Christ's quarrel) shall abide in the Lord's tabernacle, and shall dwell in his holy hill.*

*Assert. 2. By no Oath or Covenant can we be absolutely tied, to espouse the King's interest, and preserve Monarchy inviolably.*

There is very good reason for this. To stand-by and maintain Kingly power, either it is a duty simply necessary, or not. Simply necessary it cannot be. 1. Because any Civil Government in it-self is lawful. And consequently, as they are in themselves, we may lawfully give-up our allegiance to any of them. But if Monarchy were simply necessary, at no time could we lawfully by Oath bind our selves, to maintain any other Government: for so we are absolutely and in-all respects obliged, to maintain Monarchy and submit our necks thereto. 2. The preservation and maintenance of Monarchy is not necessary to salvation. Who will say, that none can be saved who act against it, and do not maintain it? What? is every Government sinful but it? and do all sin who oppose it?

No

Not verily. The contrary is shewed already. And if the preservation of, and standing by Monarchy, be not in-itself simply necessary, it is great rashness and unlawfulness, to enter in Oath and Covenant, absolutely to maintain it, notwithstanding all hazards may ensue thereupon. 'Tis to make our duty necessary, where it is not so in-itself. Thus we bind the conscience, where God bindeth not. Whereupon I demand, whether or not are we any other wise obliged to set-to-to our duty, but in answerableness thereto and as it is in-itself? Sure I am, none will say, but the Oath should be suitable and proportionable to the duty. And if by our Oath we swear either to adde to, or diminish from our duty, then are we either supererogatory, or wanting therein. And thus we walk not the right way, but incline either to the right, or the left hand. Whereupon we make our duty wil-worship, either freeing the conscience where God freeth not, or binding where God bindeth not. So then, the maintenance and preservation of Monarchy, being in-itself a duty not simply necessary, it must needs be granted, that we cannot swear absolutely to maintain it, unless we make our duty wil-worship and supererogatory. And that God never required at our hands. Upon this we conclude this argument:

*That duty, which in-itself is not absolutely necessary, we cannot lawfully swear absolutely to set-to to it.*

*But the maintenance and preservation of Monarchy, is a duty in-itself not absolutely necessary.*

*Ergo we cannot lawfully swear absolutely to set-to to it.*

The Proposition is manifest, from the proportionableness that should be between the Oath, and the Duty sworn to. The Assumption is no lesse evident from the proportionableness that ought to be between the duty, and the object of the duty. And if that be not kept entire, then verily there is an inclining either to the right, or to the left hand. And so, we either diminish from, or supererogate to our duty.

Moreover, it is to swear to an impossibility, to enter in Oath and Covenant, to stand absolutely by Kingly Government. 'Tis a matter very ordinary and possible, that all power be blocked-up from thee, till thou canst not so much as endeavour to maintain it, much lesse actually stand in defence and preservation thereof. I confesse, the People of God even in the matter of Religion may be brought to this. But deceive not thy self. The People of God cannot swear absolutely, by force and might, not only to endeavour, but also to act for Religion. That is also a vain Oath, and a swearing to impossibilities. How many times have the People of God been brought so low, that their power hath been wholly eclipsed. They can absolutely swear no more, but to employ all power God shall put in their hands, in the defence and preservation of Religion, and never alter nor change their faith, notwithstanding they run the hazard of perishing, goods, lives and fortunes. Tell me; wilt thou say, thou art obliged to swear so in standing by Monarchy? Dost thou imagine, thou art necessa-

necessarily tied, to stand by Monarchy, as by Religion. Thou canst not change thy faith, nor declare it if it be true whether before or after thou hast sworn to maintain it, unless thou run the hazard both of sin and condemnation. Thou canst not embrace the contrary faith and Religion without sin. Which draweth on, as is inevitable consequent, if persevered therein, the wrath and eternal displeasure of the Almighty. But, I pray thee, thinkest thou it damnable to subject thy neck to the yoke of any other Government beside Monarchy? Are not other Governments lawful as well as it? Are not they consubstantial with Religion, and the matter of salvation, no less than it? How darest thou absolutely tie thyself by Oath and Covenant, to stand by one only kind of Government, when-as thou mayest lawfully submit thy neck, and give up thy allegiance to any kind thereof? Thus thou not only overchargest thy conscience, but also exposest thyself needlessly to hazard. And so much the rather of this, because of all Governments, Monarchy is most dangerous, and least to be wished. Art thou not of all fools the greatest, to swear absolutely to maintain that Government, which is least good, though thou mayest obtain that, which of all Governments is the sweetest? The Authour of *Exera. con. usurp. pow. cap. 3.* mistaketh the matter very far, while-as he saith, We are equally and that same way obliged by League and Covenant, to maintain the King's Person and Authority, as by it we are tied to maintain Religion. The contrary of this is already cleared.

Lastly, I deny not, but not only Monarchy in it self is consistent with Religion, but also *secundum quid* it is the best of all Governments. Yet if we speak *simpliciter*, and of the ordinary fruits and Consequences of Kingly Government, the King's interest alwaies cometh in competition with *Christ's* interest. So is proved invincibly (as we suppose) already. Now wilt thou swear absolutely to maintain that, which absolutely and ordinarily standeth in opposition to *Christ* and his interest? Thus thou swearest to maintain that, which serveth to over-turn both Church and Commonwealth. And hereby thou preferrest man's interest to God's interest: for so thou exposest both Church and Commonwealth to ordinary and inevitable danger and hazard, in maintaining Kingly Government inviolable. The foresaid Authour in the place above-cited, endeavoureth to justify us out of this. He taketh much upon trust, but he proveth nothing. He would have us to take it upon his word, that Monarchy is most consubstantial with Religion and the good of the People. We cannot take him in this as an *advocate*. We have already upon this concluded more by force of argument, than he either may, or doth speak by word. What? is it any wonder, though he saith so? He is not ashamed to aver against Heaven and experience it self, That Religion was consubstantial with the preservation and defence of the last King's Person. Let God judge this. *O my soul, come not thou into his secret; Unto the Assembly of such, mine honour be not thou united.*



## COROLLARY.

**H**AVING, through the Lord's more then ordinary assistance, discussed these five Questions above-written, it now remaineth to try, what strength is in them, to conclude the Commonwealth of *England* to be a lawful Government, and not usurped power. And we make it good thus: If the Commonwealth of *England* be an unlawful & usurped power, then either because the power of the King of *England*, not only according to the Law of the Kingdom, but also of God, is absolute. And so, without usurpation he can neither be judged, nor his Kingdom taken from him by any, but by God. Or because Monarchy is of all Governments the choicest. And so cannot be altered, nor exchanged with any other Government, unlesse we go from the better to the worse. And it is rash madnesse, or sinful rashnesse, to exchange the best with the worst. Or because Popular Government is least to be desired. Or because it is unlawful, to resist the Royal Person, and decline the Royal Authority. Or lastly, because we are tied, not only by the Oath of Allegiance, but also by solemn League and Covenant, to maintain and preserve Monarchy inviolably. But none of all these you can alleadge, to bind usurpation upon the Commonwealth of *England*, as is shewed already. Ergo it is a lawful, and not usurped power.

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FINIS.



# A P P E N D I X.

*In which the seven Angels sounding, are compared with the seven Angels plaguing, in overturning all Powers and Potentates.*

READER,

**H**ave thought it expedient to annex to the fore-going Treatise concerning the Commonwealth of England, a small addition concerning the sounding and plaguing by seven Angels. And that because they do relate to the overthrowing of all Kings and Kingly Powers whatsoever. Whence my purpose in the fore-going Treatise is abundantly enforced and established. That I may the more conveniently give thee my thoughts in order to these Angels, I would have thee in the first place with me to remark, that the Angels sounding are all one with the Angels plaguing. And that not only because they are alike in number, but also one and the same effects are produced by them, though some things are enlarged in speaking of them the one way, which are abbreviated the other. I do therefore conceive these Angels are not distinguished but only in order to different relations and employments. And thus one and the same Angels both proclaim, and execute the wrath of God upon all the enemies of *Christ's* Interest, and his People. And as for their proclaiming by sounding with trumpets, see *Joel* 3. v. 9, 10, 11, 12. Of their executing the vials of God's wrath on the enemy and the avenger, see *Rev.* 17, 14, &c. of that same chapter. I shall a little glance at that which the holy Ghost intendeth, *Rev.* 16. And so this and I divide the chapter in these three parts.

The first is a preface, *v.* 1. The second is a narration, from *v.* 2. to *v.* 18. The third is a peroration, from *v.* 18. to the close of the Chapter. The first I pass in naming of it. In the second there be these two things considerable. (1.) a party plaguing, to wit, Angels, the Ministers and executors of God's wrath. And they be in number Seven. Secondly, a party plagued, in number Seven also. The first of which is the *Earth*, *v.* 2. Which in Scripture in general is taken two ways, (1) *Relatively*, i. e. as it is joyned with some other words to make up the sense of it. I have nothing to do with it as it is thus taken. (2) *Absolutely*. Thus it is taken

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three waves. (1) for one of the four Elements, *Gen. 1. 1.* (2) As it is contradistinguished from *Zion*, standing in opposition thereto, *Isa. 60. 2.* compared with *Rev. 1. 1.* and *chap. 18. v. 14.* And that it can be no other but *Babylon*, of a People walking in a *Babylonish State*: for upon a Scripture account, *Babylon* directly, immediately, and diametrically opposeth *Zion*, as from many and sundry places is evident. (3) For the assistants of the Church, *Rev. 12. 16.* In this *Rev. 16. 2.* the *Earth* cannot be understood to be one of the four Elements. Sense and Reason will reach us so much that this noisom and grievous sore, *Rev. 16. 2.* expounded to be *Wine* and fire mingled with blood, *Rev. 8. 7.* cannot properly be called the punishment or plague of the *Earth*, one of the four Elements. It is then to be taken mystically, for the assistants of the Church; not only because they will rather be preserved then plagued, in contributing their help to the Saints, (the *Kenite* escapeth when *Amalek* periseth, because of his kindness to *Israel* in his coming up from *Egypt*) but also they have rather upon them the mark of the *Woman* than of the *Beast*. Now the *Earth* spoken of in the foregoing place, is expounded to be men who worship the image of the *Beast*, having his mark upon them, who cannot be the opposers, but the worshippers thereof; and therefore must needs be such as be in and of *Babylon*, which must fall; the vials of the wrath of God being poured forth upon her. *Isa. 21. 9.* *Rev. 11. 1. 13. chap. 14. 8. chap. 18. v. 21.* And so in this seventh vial, *chap. 18. 21.*

The second party plagued is the *Sea*; which is taken in general two ways. (1) comparatively, *Isa. 57. 30.* (2) absolutely. And that these five or six waves. (1) For the navigable and salt water, *Exod. 14. 22.* (2) For the brackish and molten sea, in which the Priest did waste, *2 Chron. 4. 6.* (3) For traffique, *Jer. 41. 36.* (4) For the powers of the Nations, *Isa. 60. 5. Jer. 51. 42. 43.* For the glassie Sea in the new *Jerusalem*, *Rev. 4. 6.* No man will understand the *Sea* spoken of, *Rev. 16. 3.* as relating either to the *Sea* under the Law, or to that which is navigable: for as the one was long before the pouring of the second vial, so the other (to speak properly) is incapable of being plagued. Moreover, it is very unheard-of that the navigable *Sea* should be turned into blood: the third part of the living creatures in it should die, &c. as be competent to the *Sea*, spoken of *Rev. 16. 3.* compared with *chap. 8. 8.* Neither can it be understood comparatively, because here it is taken absolutely. And none will say that it is the Glassy *Sea* in the new *Jerusalem*. On such the Vials of Gods wrath will never be poured. It therefore remaineth to say, that God in pouring out the vials upon the *Seas* destroyed the Powers of the Nations, and blocketh up all their trading and traffique; which he doeth by casting a mountain burning with fire into the *Sea*, *Rev. 8. 8.* that is, by stretching out his hand upon the destroying mountain *Babylon*; rousing her down from the rocks, and making her a burnt mountain. *Jer. 51. 2. 5.* The fall of *Babylon* is upon the powers of the Nations, and her fall making



making them to fall: for the powers and forces of the Nations be one of the pillars of the *Babylonish* state, the Armies of the Earth siding with the Beast and False Prophet, *Rev.* 19. 19. against the Ancient of dayes and his Armies, *11.* 11. So that the fall of *Babylon* can no otherwise be accomplished and brought to pass, but as it bringeth along with it the ruin and overthrow of the Forces of the Nations, *Hags.* 2. 22. compared with *Rev.* 19. 20. 21. Thus the fall of *Babylon* shall be upon the Forces of the Nations, in so far as their overthrow is begotten as its ruin is intended and accomplished.

The third party plagued is the *Waters*, and fountains of waters, *Rev.* 16. 4. I do find waters these several waies taken in the Scriptures, (1) for one of the four Elements, *Gen.* 1. 6. (2) for a calm and spiritual state, *Psa.* 23. 2. (3) for crosses and afflictions, *Psa.* 69. 13. (4) for the vengeance and judgment of God, *Psa.* 79. 10. (5) for the graces and Spirit of God, *Isa.* 55. 1. compared with *Job.* 4. 14. and 7. 38. 39. (6) for the Nations, as also their Head and Glory, *Isa.* 8. 7. *Rev.* 17. 15. Moreover, fountains of waters are taken diversly in the Scriptures; (1) for the heads & springs of the elementary and physical waters, *Gen.* 7. 11. (2) for goods and possessions, *Pro.* 5. 16. (3) for the springs of spiritual graces, *Isa.* 41. 18. *Rev.* 7. 17. Beside, I do find the word as it is taken in the singular number more variously understood, then as it is taken in the plural, viz. for the spring of physical waters, *Gen.* 16. 7. a womans fountain, *Levit.* 20. 18. possession and habitation, *Deut.* 33. 28. God himself, *Jer.* 2. 13. the Law of the wife, *Pro.* 13. 14. the fear of the Lord, *Pro.* 14. 27. the Church of Christ, *Cent.* 4. 12. 15. spoken of the eye of man, *Jer.* 9. 1. In this place by waters must needs be understood, the Nations; and by the fountains of waters, the glory of the same. Sure if any one man in reason will say, That the plaguing of the elementary waters, of spiritual graces, spiritual quietness, afflictions and judgment, or any such like thing is intended in the out-pouring of the third vial. No verily, but the ruin and desolation of the Nations, together with the head and glory thereof. And that because the Nations and great ones of the Earth be two main pillars by which *Babylon* is underpropped: for as the Whore doth sit upon the Nations, *Rev.* 17. 1. 15. so the great men of the Earth bewail her desolation, *Rev.* 18. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 22. yea, and side with her as she engageth against the Saints of the Most High, *Rev.* 19. 19. A great Scar from Heaven burning as a Lamp shall fall upon the waters and their fountains, *Rev.* 8. 10. by which the waters shall be embittered as with wormwood, *11.* 11. so that many of them shall die being turned into blood and made bitter, *Rev.* 8. 11. compared with *chap.* 17. 4. Which waters, and fountains thereof, be the very destroyers and persecutors of the Saints, *Rev.* 16. 6. expounded to be *Babylon*, and such as side with her, *Rev.* 18. 24. Behold how the Lord in overthrowing *Babylon* maketh its King and Lucifer (*Isa.* 14. 4. compared with *11.* 12.) to fall from his throne.

throned and dignified. Whole full isles unto the Nations, and the great ones of the Earth, by which they are numbered, and ranged, making die and murders die. And that because the ruin of *Babylon* is intended and accomplished with the fall of the Nations, *Rev.* 16. 19. and overthrow of Kings, *Rev.* 19. 20, 21. the Lord of hosts obtaining the praise of all glory, and bringing into contempt all the honourable of the Earth, *Isa.* 23. 9. Whereupon the Heavens shall rage and the people imagine a vain thing, the Kings of the Earth shall set themselves, and the Rulers take counsel together, against the Lord, and against his anointed, *Ps.* 2. 1, 2. So that as they shall be embittered, making many die, many more dying of the waters, because of their bitterness; so they themselves shall be destroyed, the waters and fountains there turning into blood. And thus the three main props of *Babylon* shall be quite overthrown, viz. the forces of the Nations, their heads and the Nations themselves, the Lord overturning, overthrowing, overturning, *Psalm* that it be no more until he come, whose sight it is, the Lord giving unto his Son the Diadem and the Crown, *Isa.* 25. 26, 27. anointing him King on his holy Hill, *Zech.* laying the Government on his shoulders in the day of his Personal Appearance. And thus there is not wanting for every pillar of *Babylon*.

The fourth party plagued in the Soc. Rev. 16. 8. which in Scripture is taken in five several ways. (1.) for the physical and visible Soc. Rev. 17. 21. (2) God himself, *Isa. 24. 11.* (3) Christ *Col. 1. 6. Mal. 4. 2.* (4) by way of comparison, it is taken for the Church *Col. 6. 10.* (5) the chief, though transformed, light, or the *Califa* of an Antichristian and *Babylonish* State, *Isa. 23. 10.* compared with *Isa. 14. 12. Jer. 25. 9. Ezck. 26. 7. Jer. 5. 21. Ec. 31. chap. 12. 15. Amos 6. 1. Mal. 2. 6. Matt. 23. 29. Mark 12. 24. Acts 2. 20. Rom. 6. 12.* (6) a main and chief light of the Church of God, *Isa. 30. 26.* No man in reason will say, that in the out-powring of the fourth trial, is understood the plaguing of God, of Christ, (which to aver is blasphemy) or any such like thing; but the darkening of the *Califa* of *Babylon*, or the main pretended light of the antichristian state with spiritual darkness. So that all the transformed and pretended lights of the *Babylonish* State shall be in a great part shewn of darkness with darkness *Rev. 8. 12.* having then understanding darkened being alienated from the life of God, through their ignorance that is in them, because of the blindness of their heart *Eph. 4. 18.* God leading them from darkness, that they should believe *1. Pet. 2. 12.*

The fifth party plighted in the Sign of the Cross, R. 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848,

of clouds and thick darkness, *Rev. 1. 5.* Shall see the day of the Lord be darkness, and not light, even very dark and no brightens in it. *Rev. 5.* To send them with a whirlwind of violence, and a cloud of darkness the Lord cometh up from the North, *Ezek. 1. 4.* to lay *Babylon* with all her glory in the dust: for as by violence the powers of *Babylon* are overthrow, so by darkness they are hardened in heart, concerning the truth, blaspheming God, and not repenting of their deeds, *Rev. 16. 9. 10. 11.* So that the greater violence is executed against them, the more obstinate in wickedness they become, blaspheming God, his People, and Interest, *Rev. 16. 21.* *Pharaoh*-like, the more plagued the more hardened. As appeareth in some measure at this very hour among the enemies of *Zion's* Interest. The more to day the *Egyptians* are plagued, the more blasphemously do they reproach and are hardened in heart.

The sixth party plagued is the *River Euphrates*, *Rev. 16. 12.* Concerning which there be these things considerable. (1) The up-drying of it. Which cannot be understood mystically, seeing in no place of Scripture the word *Euphrates* is taken in a mystical sense. It is read twenty times only in the Scriptures and no where is it taken mystically, but literally, as is more then evident to any that shall enquire after it. We must needs therefore say, that the *River Euphrates* shall be dried up, the Lord with his mighty wind striking his hand over it, smiting it in the seven streams, and making men to grovel in dry-shod, *Isa. 11. 15.* (2) The end for which it is dried-up. Which is to prepare a way for those Kings that come up from the East or the rising of the Sun, *Rev. 16. 12.* And thus there shall be an high way for the remnant of his people, which shall be left from *Assyria*, like as it was to *Israel* in the day that he came up from the Land of *Egypt*, *Isa. 11. 16.* Whence the Lord seeing his hand again the second time to recover the remnant of his people *Israel* from *Assyria*, and from *Egypt*, *Isa. 11. 11.* shall miraculously deliver them as he did while-as he in his hand the first time in bringing them up from *Egypt* by the conduct of *Moses*: for as at the first time he dried-up the Red-sea before them, so at the second time of their recovery he will utterly destroy the tongue of the *Egyptian-sea*, and dry up the *River Euphrates* before them, making it to be seven streams, that they may go over in dry-shod. Now upon what account the people of the *Jews* are called the Kings of the East, you may see forthin *The Saints Kingdom*, *cell. 7.* (3) The engagement the people of the *Jews* comes, as they come up from the East. Then do the universal spirits like Frogs, draw forth the Kings of the Earth with their Armies to a day of engagement against the Kings of the East. The *Paganish*, *Abominable*, and *Antichristian* spirit, Frog-like indeed, shall engage all the idolatrous and *Abominable* powers against the four Angels: which are bound in the great *River Euphrates*, prepared for a day, a month, and a year, for to lay the third part of man, the number of the Army of the Horse, can being six hundred thousand thousand, *Rev. 9. 14. 15. 16.*

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And thus at this day of engagement, *Babylon*, the powers of the Nations, with all their Potentates and glory, shall be overthrow'n: for in that time when the Lord shall bring again the captivity of *Judah* and *Jerusalem*, (gathering all Nations, bringing them into the valley of *Jeboshabab* to plead with them there, causing his Mighty-Ones, the Kings of the East, the hundred thousand to come down upon them, putting in his sickle, the harvest being now ripe, *Joel* 3. 1, 2, 12, 13.) The Wine-press shall be troden without the City, till blood come out, even to the Horse-bridles, by the space of a thousand and five hundred furlongs, *Rev.* 14. 20. Thus *Gog* and *Magog*, the Beast, the false-Prophet, the Kings of the Earth, and their Armies shall be destroyed in engaging against him who sitteth on the white horse, attended with the Armies in Heaven, *Ezek.* 39. 8, 9, &c. *Rev.* 19. 11, 12. &c. (4) the time of this up-drying and engagement. Which is secret and unknown. It is a time and season which the Father hath put in his own power, *Acts* 1. 7. 'Tis not for us to know the time when the Kingdom shall be restored again to *Israel*. It cometh as a thief in the night, *Rev.* 16. 15. and therefore both secretly and suddenly. Let us therefore wash, and keep our garments, lest we walk naked, and they see our shame.

The seventh party plagued is the *Air*, *Rev.* 16. 17. Which in Scripture is taken three ways, (1) for one of the four Elements, *Gen.* 1. 26. (2) as it signifieth that which is done in vain and to no purpose, *1 Cor.* 9. 26, *chap.* 14. 9. (3) for the power of Satan, *Eph.* 2. 2. whose power is airy indeed, because of its subtilty and vanity. And thus as the Lord poureth out the vials of his wrath upon the power of the Beast, so doth he likewise upon the power of the Dragon; for as in the day of vengeance, in the reign of the Ancient of dayes, while-as *Christ* reigneth in power, the seat and power of the Beast is overthrow'n by the up-coming of the Kings of the East; so in the time of *Christ's* Personal presence and reign Satan is chained and bound a thousand years, that he may deceive the Nations no more till the thousand years be finished, *Rev.* 20. 2, 3. And this is while-as a great voice cometh out of Heaven from the Throne, saying, it is done, *Rev.* 16. 17. the Mysterie of God being finished, and time being no longer, in the dayes of the voice of the seventh Angel, *Rev.* 10. 6, 7. at whose sounding there be great voices in Heaven saying, *The Kingdoms of this world are become the Kingdoms of our Lord, and of his Christ, and he shall reign for ever and ever, Rev.* 11. 15.

In the third and last part of the Chapter (of which I shall speak but a little) the holy Ghost recapitulateth and summeth-up in few words all that he hath spoken at length in the second part of the Chapter. in order to the fall and ruin of *Babylon*, from *vers.* 18. to the close. In *vers.* 18. is spoken as to the shaking of *Babylon*, by wars and rumors of wars, Nation rising against Nation, and Kingdom against Kingdom, there being tumults and wars spoken in divers places. In *vers.* 19. is spoken of the



*with the seven Angels sounding.*

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dividing of *Babylon* (after its shaking) into three parts: Of the fall of the Nations, and of *Babylon's* utter overthrow and desolation, as it is designed, in laying the Nations desolate. In *vers. 10.* is foretold the overthrow of the Forces, Power and Glory of the Nations, in bringing into contempt all the Honourable of the Earth. In *vers. 21.* is spoken, as to the grievousness of the plagues by which *Babylon* shall be shaken, divided, and overturned, the Nations, their Forces, and their mighty Ones shall be destroyed, together with men's blaspheming God, his Truth, and his People, thereupon the more plagued, being the more hardened, as at this time in some measure doth appear.

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F I N I S.

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